

*Supplement to United Provinces Gazette, Part II,
December 7, 1912.*

GOVT., UNITED PROVINCES

JUDICIAL (CIVIL) DEPARTMENT.

The 21st November 1912

No 1558—VII/416—The following rules to be called the Oudh Civil Digest made by the Judicial Commissioner of Oudh in exercise of the several powers under which the said rules purport therein to have been made, are in so far as under any provision of law for the time being in force they or any of them require the confirmation or sanction of the Local Government, hereby declared to have been so confirmed or sanctioned and are published for information. The rules contained in paragraph 157 and in paragraphs 344 348, which under sections 20 and 22 of the Court Fees Act, 1870, and section 5 of the Destruction of Records Act, III of 1879, respectively, require the sanction of the Governor General in Council, are hereby declared to have been so sanctioned.

By order of the Hon'ble the Lieut Govr, United Provinces

S P O'DONNELL,

Secretary to Government, United Provinces

THE
OUDH CIVIL DIGEST,

BEING

RULES, ORDERS, FORMS AND REGISTERS,

for Civil Courts subordinate to the Court of the
Judicial Commissioner of Oudh.

VOLUME I.
RULES, ORDERS, &c.



ALLAHABAD.

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PREFACE.

This revision of the Oudh Civil Digest of 1896 has, with the exception of the chapter on accounts, been carried out by me under the supervision of Mr E M DesC Chamier, Judicial Commissioner

The work of revision

In the chapters relating more particularly to the office I have been assisted in the work of revision by Sayid Muhammad Rafi, Munsarim of the District Judge's Court, Hardoi. The chapter on accounts, except for certain alterations considered expedient by the Judicial Commissioner, appears as drafted and submitted to Government before I began the work of revision

The most extensive changes introduced into the new Digest will be found to occur in respect of process serving (Chap III), the arrangement and weeding of records (Chap IX), and the keeping of accounts (Chap XIV), but the following paragraphs, among others, also embody new provisions of importance —

Changes introduced into the Digest

8, 44, 57, 65, 69, 102, 115, 158, 171, 172, 178, 188, 193, 205, 267, 271, 355, 356, 396, 463 *et seq* 479, 643, 648 to 653, and 679

The comparative table immediately preceding the general index attempts to show the disposal of the provisions of the old Digest in the new one and *vice versa*, but the arrangement of matter in the new Digest differs so largely from that in the old as to render the preparation of such a table a matter of difficulty. Indeed the table, although it will facilitate comparison between the old and the new Digests, should not be regarded as an invariably safe index to the provisions in the old Digest that have been entirely discarded in the new or *vice versa* to those in the new Digest that have nothing to correspond to them in the old

Comparative table

For facility of reference each chapter is prefaced by a brief table of contents. Where the chapter is known in which any required provision should occur, such provision will often be found with greater certainty by consulting the chapter index and the marginal titles of the paragraphs than by reference to the general index

Indexes

As hitherto, additions and amendments made from time to time will be notified in the Gazette and slips supplied for posting in the Digest. At the end of volume I of the Digest will be found a blank table of postings and amendments, and the necessary entry should invariably be made therein at the time of posting. Blank spaces are left in the general index for indexing such amendments

Future amendments

LUCKNOW } E H ASHWORTH, ICS,
The 21st April 1911 } *Officer on special duty.*

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POODH CIVIL DIGEST.

CHAPTER I

Preliminary.

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DEFINITIONS, TITLE, &C

1. In this Digest, where the contrary does not appear from the context to be intended,
 - "Code" means Code of Civil Procedure, 1908
 - "Section" means section in the body of the said Code
 - "O., r." means Order, rule in the First Schedule of the said Code
 - "Chapter" means chapter of this Digest
 - "Paragraph" means paragraph of this Digest
 - "Form" followed by a number e.g. Form 10 means a form prescribed by this Digest and described under a special number in Part II of Appendix D
 - "Outlying district" means that one of two revenue districts which is subject to the jurisdiction of a single District Judge in which such District Judge's permanent Court is not situated
 - "Collector" is used synonymously with District Collector
 - "Central Nazir" means the Nazir of a District Judge's Court
 - "Subordinate Judge" means a Judge who has a quarters at a station in an outlying district

2. (1) The rules shall be known and may be cited as the Poodh Civil Digest.

(2) They shall come into force on the first day of January, 1912 and shall so far as may be applicable to the Poodh District Court and Civil Courts subordinate to the District Judge and to the District Collector and to the District Judge's Court in the Poodh District and to the District Judge's Court in the Poodh District.

Provided that the District Judge's Court in the Poodh District may, if the District Judge so directs, apply the rules to the District Judge's Court in the Poodh District and to the District Judge's Court in the Poodh District.

3. (1) The District Judge's Court in the Poodh District shall be known and may be cited as the Poodh District Court.

(Definitions, title &c—Sessions of Courts)

of Oudh under the first portion of section 125 read with the following order of the Governor General in Council namely —

G G O no 140,
dated the 2nd Feb-
ruary, 1910

“ Under section 125 of the Code the Governor General in Council is pleased to authorise the Court of the Judicial Commissioner of Oudh to make, subject to the provisions of sections 126 127 and 128 of the Code rules to regulate its own procedure and the procedure of the Civil Courts subordinate to its superintendence, on the condition that the rules made under the authority now given shall not be inconsistent with the rules contained in the First Schedule appended to the Code ’

(2) The rules contained in this Digest so far as they relate to any matter other than procedure are, except where in respect of any rule or rules the contrary is expressly stated made by the Judicial Commissioner of Oudh under section 130

Repeal of Digest
1896

4. The rules contained in the Oudh Civil Digest of 1896, as amended from time to time are hereby cancelled

Provided that the Judicial Commissioner may with the previous sanction of the Local Government direct that any rule or provision therein contained shall be in force until such subsequent date as he may notify

SESSIONS OF COURTS

Daily sittings of
Judges

5. Subject to the provision contained in the next paragraph, the daily sittings of Judges of all classes shall ordinarily extend from 10 30 a m to 4 p m, and Judges shall so arrange the business of their Courts as to supply work for that time provided that a sitting may be prolonged for the purpose of bringing to a conclusion the examination of a witness, the hearing of an argument or any other proceeding which in the opinion of the Judge cannot be conveniently interrupted

Early morning
session

6. Between the 1st May and the 15th July any Court may with the previous sanction of the Judicial Commissioner sit from 6 a m (or as soon after as may be convenient) for a period not less than two hours Every application by a Court for such sanction shall state whether the other Courts Criminal Civil and Revenue sitting in the same headquarters or station propose to adopt or have adopted such early session

Holidays

7. Without the consent of parties and in the absence of urgent necessity, no trial shall proceed on a gazetted holiday provided that on a gazetted holiday a Court shall not refuse to do any act or make any order urgently required which may with propriety be done or made out of Court

Attendance reg-
ister

8. A register of attendance in the annexed form shall be kept by every Judge and shall be signed by him at the end of each month provided in the month the officer relieved and the other own registers up to date The register to the Judicial Commissioner of all Courts subordinate to the District Judge shall be sent to him and he shall pass any necessary orders thereon and shall only forward such registers to the Judicial Commissioner if he considers it necessary

(Sessions of Courts—Jurisdiction)

FORM

Attendance Register.

Court of

Month of

19 .

Date.	Time of—		Nature of work done
	Arrival.	Departure	

9. A list in the form subjoined, of cases fixed for hearing shall be prepared in vernacular and shall be posted in some conspicuous place in every Court house for the information of parties and pleaders. In the preparation of such list, precedence shall be given to cases which are at hearing or which have been already adjourned, and the order in which the cases are entered shall not be departed from without the express order of the presiding Judge of the Court.

Cause list.

Space shall be left in the list, at the head of the entries of each day, for the subsequent insertion, if necessary, of any case adjourned from one to another day.

In the third column it shall be noted in regard to each case for what purpose it is to be laid before the Court whether, for instance, for settlement of issues or for final disposal or for delivery of judgment.

The clerk making an entry in this cause list shall initial and date each such entry.

FORM

List of cases fixed for hearing

Number and description of case.	Names of parties	Purpose
Day of week and date		

10. Besides this vernacular cause list, there shall be a book list on the Judges table, with the more important particulars briefly recorded in similar form and in the language of the Judge, for his special information.

Judge's book list

JURISDICTION.

11. In every Court room there shall be hung up in a conspicuous place a notice board setting forth in tabular form the jurisdiction and powers, as notified by Government, from time to time, of the Court and of every Court subordinate thereto. The Munsarim shall be responsible for the maintenance up to date of this table of jurisdiction and powers.

Table of jurisdiction

CHAPTER II.*

Suits and appeals in general.

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PARTIES TO SUITS.

Authority to not given to co-sutor requires stamping.

12. The authority described in O. I. r. 12, whereby one or more suitors can be authorized to appear, plead, or act, for a co-sutor, is a power-of-attorney, as defined in section 2(21) of the Indian Stamp Act, and, as such, requires to be duly stamped before being filed in Court.

Government Pleader appearing for Government to file memorandum in lieu of *vakalatnama*.

13. In every case in which the Government Pleader appears for the Government as a party on its own account or for the Government as undertaking under the provisions of O. XXVII, r. 8(1), the defence of a suit against an officer of the Government, he shall, in lieu of a *vakalatnama*, file a memorandum on unstamped paper signed by him and stating on whose behalf he appears. Such memorandum shall be, as nearly as may be, in the terms of the following form:—

FORM.

Title of the suit, &c.

I, A. B, Government Pleader, appear on behalf of the Secretary of State for India in Council (or the Government of the United Provinces, or as the case may be), respondent (or, &c.), in the suit:

or, on behalf of the Government (which, under O. XXVII, r. 8(1) of Act V of 1905, has undertaken the defence of the suit), respondent (or &c.), in the suit.

(See O III, r. 4)

Authority of Legal Remembrancer to act for Government in judicial matters.

14. With reference to O. XXVII, r. 2, the Legal Remembrancer is declared by Notification no. 246/VII-280-I, dated the 2nd April 1886, to be *ex officio* authorized to act for Government in respect of all judicial civil proceedings.

Legal Remembrancer to Government to exercise powers of Advocate General under section 92 of the Code.

15. With reference to sections 92 and 93 of the Code, the Government of the United Provinces has by Notification no. 1307/VII-25-21-VI, dated, invited the Legal Remembrancer to exercise, United Provinces, the powers conferred on the of suits relating to public charities.

APPLICATIONS.

Paper on which applications shall be written.

16. All pleadings, applications and petitions, of whatsoever nature, filed in the course of civil judicial proceedings, shall be written in a legible

* A general knowledge of, and constant reference to, both the body and the First Schedule of the Code are necessary for a proper application of this chapter.

(Applications)

hand or typewritten on stout durable paper provided that all plaints, applications and petitions bearing an adhesive Court fee label shall be written on water marked paper, which may be obtained from the Treasury

Only one side of the paper shall be used, and a quarter margin, together with at least one inch of space at the top and bottom of each sheet, shall be allowed

Margin.

17. Every application or petition shall at the time of presentation bear the name of the person actually presenting the same together with the date of presentation

Name of person presenting to be given in applications

18. No application or petition, required or authorized by law to be made by a party in any Court, shall be received from any person other than the party himself, his pleader, or his recognized agent (see O III, rr 1 and 2) provided that an application for a copy shall be received if presented in any manner allowed by paragraph 395

Persons from whom applications may be received

19. Except as provided for by paragraph 394 2) an application or petition sent through the post shall be returned service bearing to the sender with a note that it should be presented according to law

Method of dealing with applications sent by post

20. Except as otherwise provided for by these rules applications and petitions which can be presented to the Munsarim of a Court shall be received on any day other than an authorized holiday between 10 30 a m and such hours may be fixed by the Court provided that an application or petition presented after such hour and before 4 p m shall be received on the ground, if any, of limitation or other urgent reason

Time of presentation to Munsarim.

21. Each Court shall fix a time for the presentation of such applications and petitions as can be presented to the presiding officer only Such applications and petitions shall as far as is practicable and without prejudice to any case then at hearing be disposed of by an order passed in Court as soon as they are presented

Presentation to the Judge.

22. When any important order is recorded on an application a reference to the fact should be made in the Judge's notes It is generally preferable to record a proceeding in the Judge's notes thus —

Reference in the Judge's notes to be made to a present order recorded on applications

January 14th, 1881.

Present — A B, pleader for the plaintiff

Defendant not represented

Read application of the plaintiff filed on the 11th instant praying that &c, &c

Ordered that &c., &c.

(Sd) C D

Judge

14-1 84

But when this is not done there should be a brief note referring to the application It sometimes happens especially in execution proceedings that an important order is passed on a petition but no reference is made to it in the Judge's notes

Such reference in the Judge's notes shall be in addition to the reference in the order sheet prescribed by paragraph 396 (1)

23. A petitioner may, if he wishes, attach and present with his petition a receipt slip in Form 93 If this is done the petitioner is entitled to an acknowledgment of the receipt of the petition and returned to the

(Applications—Production, &c., of documents)

applicant after the necessary entry has been made in column 4. The presiding officer of the Court shall satisfy himself, from time to time, that receipt slips are returned to petitioners duly filled in without delay.

Printed forms of receipt slips will be delivered, free of charge, to applicants at the Court.

Duties of Munsarim in respect of plants and written statements

24. A Munsarim of a Civil Court appointed to receive plants shall examine each plant presented to him, and shall report thereon whether the provisions of Acts VII of 1870 and V of 1908 have been observed, and whether the claim is within the jurisdiction of the Court, constitutes a cause of action, and has been presented within the period prescribed for the institution of such a suit.

The Munsarim shall see that the actual date of presentation is entered both upon the plant itself and upon the labels on the plant, and that no post-dating is permitted.

On the back of all plants the Munsarim will note—

- (a) "Relief sought",
- (b) Classification of suit, and
- (c) Court-fee.

The relief sought must be taken from the plant and not from the abstract at the top; and, if more subjects than one are embraced in the plant, they should be numbered, and the stamp-fee leviable on each should be shown under corresponding numbers. The classification should correspond with the headings to return in Form 55 (see paragraph 524).

Act VII of 1870

Under stamp-fee, the section or article of the Schedule of the Court-fees Act under which fees have been computed should also be written.

Written statements may either be presented to the Munsarim or to the Court, but in either case they shall be examined by the Munsarim, who shall note thereon whether the provisions of the Code have been duly complied with therein.

PRODUCTION, &c., OF DOCUMENTS.

[Order XIII]

By whom documents may be produced.

25. Documents may be produced in Court—

- (1) by parties,
- (2) by persons other than parties, and
- (3) on requisition issued by the Court.

To be accompanied in certain cases by translation or transliteration.

26. Every document produced by a party not written in the Court vernacular or in English shall be accompanied by a correct translation of the document into the Court vernacular. If any such document is written in the Court vernacular or in English, or in any other than the ordinary Persian or Nagri character, it shall be accompanied by a correct transliteration of its contents in the Court vernacular.

Private documents to be accompanied by a statement of erasures and additions.

27. Whenever any private document, other than a registered document or certified copy, containing erasures, additions, or interlineations is produced by a party to a case, it shall be accompanied by a statement in writing describing each such erasure, addition, or interlineation, and signed by such party.

(Production, &c., of documents)

28. Attention is directed to O. VII, r. 18, and O. XIII, r. 2. Under O. VII, r. 18, a document which ought to have been produced in Court when the plaint was presented, or to have been entered in the list to be added or annexed to the plaint, and was not produced or entered accordingly, may be produced at the first hearing with the permission of the Court, which need not be recorded, but no documentary evidence in the possession or power of any party which should have been, but has not been produced in accordance with the requirements of O. XIII, r. 1, shall under O. XIII, r. 2, be received at a stage of the proceedings subsequent to the first hearing except for reasons to be recorded by the Court.

Late production.

The words "on which they intend to rely" in O. XIII, r. 1(1), are important. Documents produced for the cross-examination of the witnesses of an opposite party or handed to a witness merely to refresh his memory do not fall within this rule.

A certified copy of a public document is a document "in the power" of a party and shall therefore be produced at the first hearing.

29. The list of documents required by O. VII, r. 14, and O. XIII, r. 1(2), respectively, shall be in Form No. 5, Appendix H, of the First Schedule of the Code, and no document, whensoever produced, shall be received unless accompanied by the said form, duly filled up. In the case of a document produced by a witness or person summoned to produce a document, the form shall be furnished by the party at whose instance the document was produced.

List to accompany all documents whensoever produced.

30. The form shall be delivered free of charge to applicants at the Court, or may be obtained for one piece from licensed stamp vendors, to whom copies of the form will be issued, in quantities of not less than one hundred at a time, at the rate of twelve annas a hundred.

Supply of form of list

31. With reference to the production of public records it should be noted that—

(a) in respect of an application by a party to a Court to send for a judicial record, such application must, unless the Court otherwise directs, be accompanied by the affidavit mentioned in O. XIII, r. 10(2),

Affidavit to accompany an application for production of public record.

(b) in respect of a similar application for a non-judicial record, a Court may, and ordinarily should, require a similar affidavit.

Such affidavits should show how the party requiring the record has satisfied himself that it is material to the suit.

32. When a Court determines that in the interests of justice it is necessary that it should have before it a document which cannot be produced without the sanction of the head of the department concerned, it should in its order asking for such document set out as clearly as possible (a) the facts, for the proof of which the production of the document is sought, (b) the exact portion or portions of the document required as evidence of the facts sought to be proved. The Court summoning the document should fix a date for its production, which should not be less than three weeks from the date of issue of summons.

Order asking for document for production of which sanction of head of department is required to contain what particulars.

33. The attention of Courts is directed to rule 202 of the Registration Manual. A summons involving the production of any register or book.

Registers required from sub-Registrar's offices

belonging to the office of a Sub-Registrar shall be addressed direct to the District Registrar and not to the Sub Registrar. In fixing the date for the return of such summons, the Court shall bear in mind that the Registrar is required to obtain the sanction of the Inspector General to the production of any such register or book

Post office records
not to be unneces-
sarily disclosed

Oodh Settlement
records

34. When any journal or other record of a post office is produced in Court, the Court shall not permit any portion of such journal or record to be disclosed, other than the portion or portions which seem to the Court necessary for the determination of the case then before it

35. When a Court requires the production of any Oodh Settlement record, it should be remembered that such records are of two kinds, that is to say—

(a) those in which the Settlement Officer acted in a judicial capacity (under Act XIV of 1865), and

(b) those in which he acted as an executive officer

Documents falling within class (a) can be called for under the provisions of O XIII, r 10. Documents falling within class (b) can only be obtained by means of the procedure described in O XVI r 6. The summons to produce such documents shall be issued to the Deputy Commissioner, who may send the document by messenger or registered post

Registered covers
of documents sent
by post to be re-
tained on file

Payment of post
age fees, &c

Documents pro-
duced how to be
dealt with

36. When a document of any kind connected with a judicial case is received under a registered cover, the cover shall not be destroyed, but shall be attached to the file of proceedings in the case to which the document refers,

37. The payment of postage and registration fees, or of travelling and other expenses for messengers incurred in the transmission of, or requisition for records, shall be governed by the provisions of Chapter IX

38. All documents produced must be received by the Court and must be dealt with in one or other of the following ways, viz.,

- (a) Returned,
- (b) Placed on the record, or
- (c) Impounded

39. The Court shall inspect, mark in accordance with paragraphs 50 and 51, and consider all documents as soon as possible after they have been produced, and shall—

Duty of Court
upon production of
document,

(a) when inad-
missible,

(b) when admissi-
ble and proved,

(c) when admissi-
ble but not proved

(a) where they are held by the Court under O XIII, r 3 to be irrelevant or otherwise inadmissible, forthwith reject them,

(b) where not rejected under O XIII, r 3, and where proved (or admitted by the party against whom they are produced in evidence), admit them in evidence, and note the fact in the record,

(c) where not rejected under O XIII, r 3, but not proved (or admitted by the party against whom they are produced in evidence) retain them pending proof, and subsequently, if not so proved or admitted reject them

When to be re-
jected as inadmissi-
ble.

40. (1) A document is inadmissible to evidence and must be rejected,

(a) it is irrelevant or otherwise inadmissible, i.e., for want of registration, proper stamp &c.,

(b) it is not proved as required by the Indian Evidence Act

(Production, &c, of documents)

(2) The reasons for rejection in the case of documents rejected on ground (a) but not in the case of documents rejected on ground (b), must be noted in the record. In both cases the endorsement described in O XIII, r 6, is required. The endorsement should only state the fact of, and not the reasons for rejection.

Reasons for rejection when to be recorded

41. Rejection on the ground of inadmissibility may not only either precede or follow proof of a document, but, even when a document has been admitted in evidence, it may be rejected by the Court, if upon more mature consideration it considers the document inadmissible.

Rejection to take place at what stage of proceedings.

Provided that no document shall be rejected otherwise than—

(a) by order pronounced in open Court,

(b) after hearing the party concerned with reference to its rejection.

Provided also that, when a Court is disposed to reject a document as irrelevant or otherwise inadmissible, it should ordinarily decide the question of its admissibility, one way or the other, before the party producing the document is put to the trouble and expense of proving it.

42. A document is said to be "proved against a party" or "admitted by a party," when the party claiming to use it proves, or the party against whom it is to be used admits, as the case may be, that it,

Use of the expressions 'proved against' and 'admitted by'

(a) if specified to be an original, was respectively written, signed, or executed as it purports respectively to have been,

(b) if specified to be a copy, is a true copy, or,

(c) if specified to be a notice, &c, was sent, served, or delivered as it is stated or purports to have been sent, served, or delivered.

(See Form No. 2 Appendix C of the Code)

43. Admission of the genuineness of a document is not to be confused with an admission of the truth of its contents or with an admission that such documents are relevant or sufficient to prove any alleged fact.

Admission of genuineness not to be confused with admission of truth of contents

44. From the date on which this Digest comes into force the word "Admitted" when endorsed on a document shall be taken to mean that and the word "Admitted" "a document by a party" the words "Admitted by plaintiff" or "Admitted by defendant," as the case may be. The use of the expression 'Admitted as a copy' in endorsements on documents is prohibited. If any question is raised as to the correctness of a copy and the correctness of it is admitted the endorsement shall be "Correctness of copy admitted."

Use of the word 'Admitted' as an endorsement

45. Where a party has without good reason, refused to admit the genuineness of a document, it will generally be proper to make him bear the costs incurred in proving it whatever be the result of the action.

Costs of proving a document

46. Attention is invited to the concluding portion of O XII r 2, which lays down the principle that a party who has not taken the trouble to call on the opposite party to admit the genuineness of any documents material to the suit shall not, as a rule, be allowed costs of proving the documents.

Ditto

Procedure when
registered document
is discredited

47. In every case in which a registered document is discredited by a Civil Court, a copy of the judgment in which the document is discredited, or of the relevant portion thereof, shall be forwarded without delay to the Inspector General of Registration, United Provinces

When registered
document is cancell-
ed.

48. When the cancellation of a registered instrument has been ordered under section 39 of the Specific Relief Act, the Court shall send a copy of its decree to the officer in whose office the instrument has been registered

Endorsement of
documents admitted
in evidence

49. When a document has been admitted in evidence the Court shall endorse it as required by O XIII, r 4 (1) The "statement of its having been admitted" referred to in (d) of the aforesaid rule shall be in the form "Admitted" or "Admitted in evidence" in no case shall the word "Admitted" when used for this purpose be otherwise qualified

Marking of docu-
ments

50. Documents produced by a plaintiff shall be marked with a number, and documents produced by a defendant shall be marked with a number and the letter A, or, where there are more than one set of defendants by the letter A for the first set of defendants, by the letter B for the second, and so on Where a document is produced by order of the Court and is not produced by any party, the serial number shall be prefixed by the words "Court Exhibit" or an abbreviation of the same

Every exhibit-mark shall be initialed and dated by the Judge

Ditto

51. When a number of documents of the same nature are admitted, as for example a series of receipts for rent, the whole series should bear one serial number, a small figure or letter in brackets being added to distinguish each paper of the series, provided that if the party producing such documents has adopted separate serial numbers the Court may do the same

Ditto.

52. Except where good reason for a contrary procedure appears, the number referred to in paragraph 50 shall be the serial number assigned to the document in the form accompanying it (see paragraph 29)

Return of inad-
missible documents

53. A document which is rejected as irrelevant or otherwise inadmissible under O XIII, r 3 shall unless impounded under O XIII, r 8, or rendered wholly void or useless by force of the decree, be returned to the person producing it or to his pleader, and such person or pleader shall give a receipt for the same in the last column of Form No 5 of Appendix II of the Code

Return of un-
proved documents

54. A document which is rejected, as not proved or not admitted by the party against whom it was produced in evidence, shall at the conclusion of the trial or earlier, unless impounded under O XIII, r 8, or rendered wholly void or useless by force of the decree, be returned to the party producing it or to his pleader, and the party or his pleader shall be bound to take back such document and to sign a receipt for it in column 4 of Form No 5 of Appendix II of the Code Should either party be unrepresented at the last hearing of the case a note "To be returned" shall be made in column 4 of the Form in respect of all documents which such party is entitled to take back.

Documents impounded shall be dealt with in accordance with O XIII, r 8

(Production, &c., of documents—Commissions)

55. Strict attention shall be paid to the provisions of O XIII r 9. No document which the Court has ordered to be impounded or which is required by law to be filed and preserved (for instance, a will under section 259 of Act X of 1865) shall be allowed to pass out of the custody of the Court, and no document produced for the purpose of comparison of signature, writing or seal shall be returned within the periods specified in O XIII, r. 9 (1) (a) (b). With reference to O XIII, r. 9 (1) (b), an interval of four months should ordinarily be allowed to intervene from the date of decree before the documents, whether originals or copies, filed in a case are returned to the parties who produced them.

Return of documents filed with record

COMMISSIONS
[Order XXVI]

56. The acceptance by Government officers of fees for executing commissions is prohibited except in the cases mentioned in paragraph 3 of the Government of India Resolution no. 11 Judl/1173-1190, dated the 8th September 1896.

Prohibition of remuneration to Government officers executing commissions

57. (1) Ordinarily a commission for the examination of a witness, whenever he may reside, shall be addressed to a pleader, but such commission may, if it appear desirable, be addressed to a Court.

Persons to whom commissions for examining witnesses shall be addressed.

(2) A list of legal practitioners practising in the Courts of Oudh who are willing to execute commissions under O XXVI, r. 4(2), and to whom commissions may be issued is published every year by the Court of the Judicial Commissioner.

(3) Commissions addressed to a Court for the examination of witnesses ought not ordinarily to be directed to a District Court but to the Munsif's Court within whose jurisdiction the witness resides.

(4) A Court receiving a commission for the examination of a witness shall not return such commission unexecuted until the expiry of one month from the date on which the commission was received and otherwise than with a letter in English explaining the reason why the commission has not been executed.

(5) All commissions for the examination of witnesses received from a province outside the United Provinces should be executed in English.

58. (1) With reference to O XXVI, rr 4(2) 6 and 15, whenever a commission is issued to any Court, the Court issuing the same shall require the party applying for issue to pay into Court before issue—

Payment in advance of expenses for issue of a commission to a Court.

(a) where such witness is to be examined by a Munsif the travelling and other expenses likely to be incurred by a witness,

(b) in other cases such sum as it may consider necessary for the employment by the Court to which the commission is sent of a competent pleader to examine the witness and

(c) at any time such further sum as the Court to which the commission is sent may lawfully require.

Sums thus deposited will be entered in the Register of Petty Receipts and Payments.

(Commissions)

(2) No charges for postage shall be levied from the party at whose instance the commission is issued, postage charges being paid by means of service postage stamps by the Court issuing or returning the commission.

Commissions to
Hyderabad

59. As a rule, all commissions issued for the examination of witnesses at Hyderabad should be addressed to 'The First Assistant Resident' or such other officer as he may appoint, and all remittances sent with such commissions should be made payable to "The First Assistant Resident" without giving the name of the gentleman holding the appointment.

Distant dates should be fixed for the return of such commissions, and the names of the witnesses to be examined should be given in full with their correct address. The street or lane where they reside should, as far as is possible, be ascertained and stated.

Commissions for examination of witnesses residing at Secunderabad (Husein Sagar) or at Bohraim (Ahwal) should be invariably addressed to the Cantonment Magistrate, Secunderabad and the Superintendent of Police, Bohraim respectively, and remittances in such cases should be made payable to the officer to whom the commission is addressed.

Remittances intended for the First Assistant Resident should be made payable at Hyderabad and not at Secunderabad.

Commissions to
Native States other
than Hyderabad or
to a Foreign Country.

60. (1) Where it is necessary to have a witness examined in any Native State other than Hyderabad or in a Foreign Country it will generally be found possible to have the witness examined by or through the Political Agent Resident Political Officer or Consul.

Letter of request
Questions to accompany

(2) Whenever a Court acting under section 77 of the Code or O XXXI, r. 6, issues a letter of request for the examination of a witness or witnesses residing at any place not within British India it shall send therewith a list of the questions to be asked the witness or witnesses. In cases where both parties are to be represented at the examination the Court may, if so directed by the parties and in the letter of request that the agents of the parties be permitted to put such further questions in examination or cross-examination as they may be allowed.

to be forwarded
to the India Office.

(3) Letters of request issued in India for execution by the Courts of the Colonies or of Europe should not be addressed direct to such Courts or to the British Ambassador, but it should in all cases be forwarded to the India Office for transmission through the Foreign Office to the country concerned.

to be made of
the letter with every
document accompanying
it.

(4) The letter of request together with every document which may accompany it must be transmitted to the Indian agent of the place where the witness is to be examined. The Indian agent must be furnished with the party at whose instance the letter of request is issued, and the party at which making it is responsible for the expenses of attending to it.

Commissions to
Foreign Countries

61. In cases where it is necessary to have a commission issued for the examination of a witness in a Foreign Country the Court should issue a letter of request to the British Ambassador at the place where the witness is to be examined. The letter of request should be addressed to the British Ambassador and should be accompanied by a list of the questions to be asked the witness. The Court should also send to the British Ambassador a copy of the letter of request and a copy of the list of questions.

(Commissions)

If the Court is of opinion that it is necessary to send a Commission to England being pr
cannot act in any way unless put in motion by a proper application. In every case in which it is desired to obtain the benefit of the Statute, the parties interested must instruct a Solicitor in England to apply to the Court in England to make the necessary order.

62. The responsibility of ordering an inquiry under O. XXVI, r. 9, rests entirely with the Court before which the suit is pending. The Court has therefore to consider, when it is moved to order any such inquiry, whether the nature of the case calls for that particular mode of inquiry; whether the application has been made at a proper stage of the proceedings; whether the importance of the case warrants that expense being imposed upon the parties; and whether such inquiry may not be attended with a delay which will counterbalance the advantage to be derived from it.

Local investigation not to be ordered by Court without due consideration.

63. Whenever a Court directs a local investigation or an inquiry into accounts, the order for such inquiry shall be drawn up in the handwriting of the Judge of such Court and shall contain the following particulars —

Particulars to be contained in an order for local investigation

- (1) whether the inquiry is directed by the Court *proprio motu*, or upon an application, and if upon an application, of which party,
- (2) the point or points requiring elucidation or ascertainment by the local investigation or inquiry,
- (3) the reason why such point or points cannot be proved or ascertained by the production of documents and witnesses at the trial,
- (4) the instructions given to the Commissioner.

64. When issuing a commission, the Court shall allow ample time for its execution, but must make it clear that the commission is to be returned by the date fixed. If a Commissioner fails to submit his report by the date fixed for the execution of the commission, he should be required, on or before that date, to file in the Court which issued the commission an explanation for his failure. Should the Commissioner be a pleader and fail to submit such explanation by the date fixed the Court shall report him to the District Judge.

Avoidance of delay in return of commissions

65. The Judicial Commissioner is of the opinion that it is ordinarily undesirable for a presiding officer to constitute himself a witness in a case by personally inspecting a site or immovable property in question during the hearing of a judicial proceeding.

Local inspection by presiding officers during the hearing of a judicial proceeding

In exceptional cases a local inspection may be required to enable the Court to understand the evidence of the witnesses, the report of a Commissioner, or some document, map, or plan filed as an exhibit. In such cases the officer thus inspecting shall invariably, during the inspection or as soon as is convenient thereafter, record in a note to be placed in the file the purpose of the inspection and all facts perceived or impressions received by him in the course thereof which are likely to affect his decision in the case. This note shall be read out to the parties, who shall be entitled to have recorded any objection that may be urged against the correctness or accuracy of such facts or impressions.

(Commissions—Adjournments)

No travelling allowance may be drawn nor fees required for such inspection but the parties, or the party at whose instance the inspection is made, may, if the presiding officer cannot otherwise conveniently arrange for conveyance to the place, be required to provide the same.

ADJOURNMENTS.

[Order XVII.]

Instructions for dealing with applications for adjournments

66. In dealing with applications for adjournments, Courts shall be guided by the following instructions —

- (1) A date for hearing, once fixed, shall, so far as is practicable, be strictly adhered to, and no adjournment granted except for good cause. In no case, when one of the parties is ready to proceed, should an adjournment be granted at the request of the opposite party, except on condition that a sum, commensurate with the costs which, in the opinion of the Court, the party ready to proceed will have to incur owing to the adjournment, be paid as and when directed by the Court to the party ready to proceed, and be his costs in any event. In all cases when an adjournment is granted, the Judge shall record his reasons for granting the same.
- (2) The mere fact that a party is, through carelessness or negligence, not ready to go on with a suit, is not in itself good cause for adjournment.
- (3) The rules regarding the filing of documents and exhibits should be strictly observed, and parties have no right to ask for adjournments in order to obtain copies of documents, if by the exercise of diligence they could have procured them in time.
- (4) A hearing should not be adjourned to call for a written report from an officer of the Court, unless such report be absolutely necessary.

(See O XVII, r 1)

Adjournments by the Court for want of time.

67. The attention of all Courts is drawn to the necessity of strict compliance with the proviso to O XVII, r 1. The fact that another case or other cases are fixed for the following day is not *per se* a sufficient reason for adjournment of a suit before all the witnesses in attendance have been examined.

Where a Judge finds that he habitually underestimates the time that cases will occupy, he should so frame his cases list as to reserve occasionally a day or two for working off accumulations.

The adjournment of a case on two consecutive occasions for want of time is a hardship to the parties and witnesses which can only be justified by very cogent reasons.

(See O XVII, r 1)

Fixing of first date for hearing a case.

68. Ordinarily it is not desirable to fix the first date for the hearing of any case more than three months ahead. Where a case cannot be taken up within that period, it should usually remain without date and be kept with other such cases in chronological order in a separate box or compartment of an almirah until a date can be fixed for it.

Adjournments owing to return of a witness's absence.

69. (1) The fact that a summons to a witness has been returned unserved, is not necessarily good cause for granting an adjournment. In

(Adjournments—Hearing of the suit)

all cases the Court shall require a party applying for an adjournment, on the ground that a summons has not been duly served, to show that he applied where it was possible to so apply, for the issue of the summons in time to enable the service to be effected and that he performed every other act required for the issue and service thereof.

(2) When a date more than one month ahead is fixed for the examination of witnesses, the parties shall make repeated efforts to procure service of summonses on their witnesses. It shall be their duty to apply for the issue of summonses within ten days of the order fixing the date for examination of witnesses and to make subsequent applications within seven days of the return to the Court of a summons which has not been duly served.

(3) A Court receiving a summons from another Court for service shall *proprio motu* and without additional charge direct that further effort be made to procure service thereof, whenever such summons is returned unserved or improperly served, and it appears possible that by further effort proper service may be effected within the time available.

(See O XVII r 1)

70. Where a summons has been returned unserved by reason of a wrong or insufficient address of the witness before adjourning the case for issue of a second summons the Court may require the party applying for the same to satisfy the Court, by affidavit or otherwise that such party was not in a position to know the correct address at the date when he applied for issue of the former summons, and also that the presence of the witness will really be of advantage to such party.

Adjournment where non service of summons is due to wrong address.

(See O XVII r 1 and O XIX r 1)

HEARING OF THE SUIT

[Orders X and XVIII]

71. The attention of subordinate Courts is called to the paramount necessity of eliciting before issues are framed by every available method the real facts in dispute in a contested case. Where a Court is not fully convinced of its ability to gather a clear and comprehensive understanding of the facts as really intended to be alleged by the parties, free from irrelevant detail and of by a pleader - distortion to the methods permit any or all of the

Means of eliciting real facts in dispute before issues are framed.

- (a) require the plaintiff to file a 'replication',
- (b) require at the first hearing the parties to admit or deny allegations of fact (see O X, r 1),
- (c) examine any party present in Court or person by whom the party or his pleader is accompanied (see O X, r 2),
- (d) postpone the case in order to procure the personal appearance of any party whom it wishes to interrogate (see O X, r 4)

Any examination of a party or other person under O X, r 2, should as far as possible follow the order of the pleadings as set forth in the plaint, written statement and replication (if any).

No travelling allowance may be drawn nor fees required for such inspection but the parties or the party at whose instance the inspection is made, may, if the presiding officer cannot otherwise conveniently arrange for conveyance to the place, be required to provide the same.

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- (2) The mere fact that a party is through carelessness or negligence, not ready to go on with a suit is not in itself good cause for adjournment.
- (3) The rules regarding the filing of documents and exhibits should be strictly observed and parties have no right to ask for adjournments in order to obtain copies of documents if by the exercise of diligence they could have procured them in time.
- (4) A hearing should not be adjourned to call for a written report from an officer of the Court, unless such report be absolutely necessary.

(See O XVII, r 1)

Adjournments by
the Court for want
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67. The attention of all Courts is drawn to the necessity of strict compliance with the proviso to O XVII r 1. The fact that another case or other cases are fixed for the following day is not *per se* a sufficient reason for adjournment of a suit before all the witnesses in attendance have been examined.

Where a Judge finds that he habitually underestimates the time that cases will occupy, he should so frame his cause list as to reserve occasionally a day or two for working off accumulations.

The adjournment of a case on two consecutive occasions for want of time is a hardship to the parties and witnesses which can only be justified by very cogent reasons.

(See O XVII r 1)

Fixing of first
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68. Ordinarily it is not desirable to fix the first date for the hearing of any case more than three months ahead. Where a case cannot be taken up within that period, it should usually remain without date and be kept with other such cases in chronological order in a separate box or compartment of an almirah until a date can be fixed for it.

Adjournments owing
to return of a
summons unreserved

69. (1) The fact that a summons to a witness has been returned unreserved, is not necessarily good cause for granting an adjournment. In

(Adjournments—Hearing of the suit.)

all cases the Court shall require a party applying for an adjournment, on the ground that a summons has not been duly served, to show that he applied, where it was possible to so apply, for the issue of the summons in time to enable the service to be effected and that he performed every other act required for the issue and service thereof.

(2) When a date more than one month ahead is fixed for the examination of witnesses, the parties shall make repeated efforts to procure service of summonses on their witnesses. It shall be their duty to apply for the issue of summonses within ten days of the order fixing the date for examination of witnesses and to make subsequent applications within seven days of the return to the Court of a summons which has not been duly served.

(3) A Court receiving a summons from another Court for service shall *proprio motu* and without additional charge direct that further effort be made to procure service thereof, whenever such summons is returned unserved or improperly served, and it appears possible that by further effort proper service may be effected within the time available,

(See O. XVII, r. 1.)

70. Where a summons has been returned unserved by reason of a wrong or insufficient address of the witness, before adjourning the case for issue of a second summons the Court may require the party applying for the same to satisfy the Court, by affidavit or otherwise, that such party was not in a position to know the correct address at the date when he applied for issue of the former summons, and also that the presence of the witness will really be of advantage to such party.

Adjournment where non-service of summons is due to wrong address.

(See O. XVII, r. 1, and O. XIX, r. 1.)

HEARING OF THE SUIT.

[Orders X and XVIII.]

71. The attention of subordinate Courts is called to the paramount rules framed, by every available method in contested case. Where a Court is not fully clear and comprehensive understanding of the facts as really intended to be alleged by the parties, free from irrelevant detail and from any unauthorized embellishment or distortion thereof by a pleader or petition writer, recourse shall be had to any or all of the methods permitted for discovering them. A Court may—

Means of eliciting real facts in dispute before issues are framed.

- (a) require the plaintiff to file a 'replication';
- (b) require, at the first hearing, the parties to admit or deny allegations of fact (see O. X, r. 1);
- (c) examine any party present in Court or person by whom the party or his pleader is accompanied (see O. X, r. 2);
- (d) postpone the case in order to procure the personal appearance of any party whom it wishes to interrogate (see O. X, r. 4).

Any examination of a party or other person under O. X, r. 2, should as far as possible follow the order of the pleadings as set forth in the plaint, written statement and replication (if any).

(Hearing of the suit—Affidavits)

Record of evidence

72. Care must be taken that the Judge's notes are *bond fide* what is intended, i. e., notes of evidence taken from the mouths of witnesses and orders recorded at the time they are issued, not abstracts made afterwards.

The notes must be legible, complete, and properly arranged, and must attest the presence of the witness, at the time, and mark every postponement and change of time or scene in the trial of the case, so that their *bond fide* character may be apparent.

It will be seen that each party has to state his case, and then produce his evidence to support it. This is far preferable to the common practice of allowing a party to produce his evidence first, and then perhaps to construct a new case out of it.

(See O XVIII, r 1, 2 and 3)

Evidence common to two cases

73. Whenever by consent of parties, evidence given in one case is admitted by a Civil Court as evidence in another case, a note of the fact shall be made on the records of both cases.

AFFIDAVITS

[Order XIX.]

Title.

74. Every affidavit to be used shall be entitled *In the Court of* at (naming such Court). If the affidavit be in support of, or in opposition to, an application respecting any case in the Court, it shall also be entitled in such case. If there be no such case, it shall be entitled *In the matter of the petition of*.

Arrangement.

75. Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

Complete description of declarant

76. Every person, other than or respondent in an appeal, any affidavit, shall be described to identify him clearly, that is the name of his father, his caste or religious persuasion, his rank or degree in life, his profession, calling, occupation or trade, and the true place of his residence.

By whom may be made.

77. Unless it be otherwise provided, an affidavit may be made by any person having cognizance of the facts deposed to. Two or more persons may join in an affidavit each deposing separately to those facts which are within his own knowledge, such facts to be stated in separate paragraphs.

Form of affirmation.

78. When the declarant in any affidavit speaks to any fact within his own knowledge, he must do so directly and positively, using the words "I affirm" or "I make oath and say."

(See O XIX, r 2.)

In interlocutory proceedings.

79. Strict compliance with O XIX, r 3 is required. In interlocutory proceedings, when the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant must use the expression "I am informed," and, if such be the case, "and verily believe it to be true," and must state the name and

(Affidavits)

address of, and sufficiently describe for the purposes of identification, the person or persons from whom he received such information. When the application or the opposition thereto rests on facts disclosed in documents or copies of documents produced from any Court of Justice or other source, the declarant shall state what is the source from which they were produced, and his information and belief as to the truth of the facts disclosed in such documents.

80. When any place is referred to in an affidavit it shall be correctly described. When in an affidavit any person is referred to, such person, the correct name and address of such person, and such further description as may be sufficient for the purpose of the identification of such person, shall be given in the affidavit.

Description of places and persons mentioned.

81. Every person making an affidavit for use in a Civil Court shall, if not personally known to the person before whom the affidavit is made, be identified to that person by some one known to him, and the person before whom the affidavit is made shall state at the foot of the affidavit the name, address and description of him by whom the identification was made as well as the time and place of such identification.

Identification of declarant by person before whom made.

82. No verification of a petition and no affidavit purporting to have been made by a *parda nashin* woman who has not appeared unveiled before the person before whom the verification or affidavit was made, shall be used, unless she has been identified in the manner already specified, and unless such petition or affidavit be accompanied by an affidavit of identification of such woman made at the time by the person who identified her.

Identification of *parda nashin* declarants

83. The person before whom any affidavit is about to be made shall, before the same is made ask the person proposing to make such affidavit if he has read the affidavit and understands the contents thereof and, if the person proposing to make such affidavit states that he has not read the affidavit, or appears not to understand the contents thereof, or appears to be illiterate, the person before whom the affidavit is about to be made shall read and explain or cause some other competent person to read and explain in his presence, the affidavit to the person proposing to make the same, and when the person before whom the affidavit is about to be made, is thus satisfied that the person proposing to make such affidavit understands the contents thereof, the affidavit may be made.

Contents to be understood by declarants

84. The person before whom an affidavit is made, shall certify at the foot of the affidavit the fact of the making of the affidavit before him, and the time and place when and where it was made and shall for the purpose of identification mark and initial any exhibits referred to in the affidavit.

Certification by person before whom affidavit is made

85. Should it be found necessary to correct any clerical error in any affidavit, such correction may be made in the presence of the person before whom the affidavit is about to be made, and before, but not after, the affidavit is made. Such correction must be initialled by the person before whom the affidavit is made, and shall be made in such manner as not to render it impossible or difficult to read the original word or words, figure or figures in respect of which the correction may have been made.

Correction of clerical errors

(Affidavits—Judgment and decree.)

Munsarims appointed to administer oath to declarants.

86. The Judicial Commissioner hereby appoints the Munsarim of every Civil Court other than a District Court to administer the oath to declarants making affidavits under Act V of 1908 or under these rules.

District Judges have been empowered by the Local Government to appoint the Munsarims of their Courts to administer the oath to declarants (G. O. no. 58/17—2, dated the 22nd March 1881).

JUDGMENT AND DECREE.

[Order XX.]

Section of the Code to be quoted in orders rejecting or returning plaints and in decrees passed without contest.

Mode of recording judgment.

87. When plaints are rejected or returned, and in cases disposed of without decree, as also in cases in which decrees are passed without contest, Judges shall put on record the section, or Order and rule, of the Code under which the judgment or order is passed.

88. Judgments may be written or typewritten by the presiding Judge, or may be recorded at his dictation or from his draft; but every page of the record of a judgment, not in the handwriting of the Judge, shall be attested by the Judge's signature.

The record of every judgment shall begin on a fresh sheet of foolscap paper, one quarter page being left blank. It shall bear the heading "Judgment" and a sub-heading specifying the number of the case and the names of the plaintiff and defendant, or, where there are several such, the name of the first in each case followed by "&c."

Contents of judgments.

89. O. XX, rr. 4 and 5, and O. XLI, r. 31, declare what the judgments of original and appellate Courts shall respectively contain. The prolixity commonly due to lengthy quotations from, or paraphrases of the statements of witnesses could in many cases be avoided by substituting a brief summary of the evidence of a single witness or of several witnesses of a common type.

Reference in judgments to other papers.

90. Every judgment should avoid the necessity of reference to other papers where the matter referred to can be briefly incorporated in the judgment; and, when such reference is unavoidable, care must be taken to so describe the paper as to render its identification easy and certain.

Oriental words in judgments.

91. In judgments written in English, the use of oriental words (other than technical, revenue, or law terms) shall be avoided, if their meaning can be sufficiently expressed by English words.

Form and signature of judgments.

92. O. XX, r. 3, and O. XLI, r. 31, require the judgment to be dated and signed by the Judge in open Court at the time of pronouncing it. A judgment may be written out of Court but must be pronounced in open Court and be then upon date and signed.

When judgment is pronounced on a day subsequent to that on which the hearing of the case ended, the Judge shall always record whether the parties are present or represented.

Form of decrees.

93. In all cases in which the form of a decree has been prescribed or is limited by law, the decree shall be drawn up as far as possible in each form, as, for example, decrees under O. XXXIV, rr. 2, 4 and 6.

(Judgment and decree—Miscellaneous)

94. In contested title suits, and particularly in mortgage suits, the decrees should be prepared either by, or under the supervision of the Court Reader who shall be responsible for their accuracy.

Duty of Court Reader in respect of certain decrees

95. Every decree and order, as defined in section 2 of the Code, shall be drawn up in such a manner that, for the understanding and execution thereof, it may not be necessary to refer to any other document or paper except a document (*e.g.*, a map) which has been accepted as correct by the Court and is necessary to explain the terms of the decree or order passed. Such a document shall be attached to, and form part of the decree and shall be signed by the Judge.

Avoidance of reference in decrees to extraneous matter.

96. The decrees of District and Subordinate Judges shall be drawn up in English: provided that the Court may in any special case direct that the decree be drawn up in vernacular.

Language of decrees.

The decrees of Munsifs' Courts shall be drawn up either in English or in the vernacular.

97. The decree or formal order shall be drawn up by the decree writer ordinarily within four days of the date of judgment, and shall bear that date as the date of the decree. The decree shall then be signed by the Judge, and the date of such signature entered by him immediately beneath the signature.

Signing and dating of decrees.

98. Presiding officers of the Court shall be responsible for the decrees passed by them "specimens of the suit," as required by the Code, which shall contain definite particulars of the facts and issues.

Contents of decrees.

In every appeal under O. XLIII the decree shall be drawn up in the form prescribed.

When such costs are to be paid.

99. With reference to the decrees of Appellate Courts, the following provisions shall apply:

Appellate Court's decree. What to specify Munsarim's and Record Keeper's responsibility.

The Judge must in his appellate judgment specify the modification or reversal, and the relief thus specified in the decree. Otherwise Courts of appeal are forced to refer to the judgment for information which should be apparent from the decree itself and their interpretation of the order of the Appellate Court not infrequently forms the subject of another appeal. Appellate Courts should hold their Munsarims personally responsible for the preparation of decrees in due and proper form in every appeal case, and Record Keepers should be instructed to refuse to receive the file of any case in which there is no decree in the form prescribed.

MISCELLANEOUS

100. The list of persons in the United Provinces exempted from personal appearance in Civil Courts under section 133(1) of the Code is given in Appendix A.

Persons exempted from personal appearance in Civil Courts.

CHAPTER III.

Processes (including summonses).

[Orders V and XVI]

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PROCESSES AND SUMMONSES IN GENERAL.

Introductory para
graph

101. The forms of ordinary processes are given in Appendices B and C of the Code.

This chapter contains provisions as to processes in general and as to summonses in particular. A summons, and as the contrary is said includes a notice. While a distinction is made between the procedure to be followed in respect of a summons to a defendant (see Order V), and that to be followed in respect of a summons to a witness (see Order XVI) it is due to the fact that a person, summoned as a defendant is not required by law to appear in person although his absence may subject him to an ex parte decree, while a person summoned as a witness is so required.

Filling up of
summons by party

102. A party shall file with his application for the issue of a summons a printed summons form in duplicate, one part being in the Persian and the other in the Nagri character duly filled up except in respect of the date of appearance and the summons.

Provided that the presiding officer may in his discretion direct that such forms in general or any particular such form be filled up entirely with

(Processes and summonses in general)

care is required to see in every case that the proper form is selected, that any necessary modifications are made before it is issued, and that where no standard form exists, the written order follows the requirements of the law

106. Every process shall be written in the language of the Court and shall comply with the following provision contained in Government Resolution no 585/III—343C 68, dated the 18th April 1900 —

Language and character to be employed in processes

“All summonses, proclamations, and the like in vernacular, issuing to the public from the Courts or from Revenue officials shall be in the Persian and the Nagri characters, and the portion in the latter shall invariably be filled up as well as that in the former ”

Provided that, when a process is sent to the Court of a district where a different language is in ordinary use, a translation, certified by the transmitting Court to be correct into such other language or into English may be substituted. In such cases the process shall be accompanied by an English letter requesting its execution

107. The name of the district and of the Court from which the process is issued and also the name and powers of the officer issuing it shall be set out in such a manner as may be easily read. In all cases judicial officers shall sign their names distinctly and legibly. No signature shall be made by means of a stamp

Processes shall contain name of Court issuing and be legibly signed.

The process shall be dated by an officer of the Court before it is signed

Shall be dated

Before the process is signed, it shall be the duty of the clerk concerned to see that it has been properly prepared

Examination by clerk before signature

108. Before issuing a process the issuing officer shall satisfy himself that such description of the person for whom the process is intended or in respect of whom or whose person or property it is issued is entered therein as will enable the process server without risk of mistake to identify such person or property. The names of Europeans, Eurasians, or Indians bearing European names shall be written in English as well as in vernacular, the Christian name or names, if possible, and otherwise the initials, profession, or trade, and the full address of such person shall be set forth. In the case of Indians the name, father's name, caste, occupation, district, village or town and *mohalla* (if any) shall be set forth in the process, provided that no designation of caste shall be added to the name of an Indian Christian. Where such description does not appear in the application of the person moving the Court to issue the process or in the record, the orders of the Court shall forthwith be taken by the *Munsam*

Contents of process shall insure identification of persons mentioned therein

109. In all civil suits in which the Government is a party the summons shall be sent to the Government Pleader, not to the Deputy Commissioner. Care should be taken, as required by O XXVII, r 5 that a reasonable time is allowed for communication with Government and, where necessary and reasonable, the time originally allowed should be extended if the Government Pleader can show that instructions have not been received by him

In suits to which Government is a party summons shall be sent to Government Pleader

110. When an order for the issue of a process is passed by the Court the day of the month and the hour fixed for any appearance or attendance ordered shall be inserted in words in the form

Inserting of time of appearance required in process

(Processes and summonses in general)

Payment of Court-fees and, in the case of a summons, other expenses to precede issue of process.

111. Except in so far as is otherwise provided by paragraph 126, no process which comes within the operation of paragraph 157, rule I, shall be drawn up for service and execution, until the fee chargeable under that paragraph has been paid in Court-fee stamps, affixed either on the application by which the Court is moved to issue the process, or in the absence of any such application on the order of the Court directing the issue or service of the process, nor if the process be a summons, until also due payment of the travelling and other expenses prescribed by paragraph 158 has been certified on the application or order, as the case may be, by the officer of the Court authorized to receive such payment.

Fees for processes to be issued by a Court to which commission is addressed.

112. Fees for processes to be issued by a Court to which a commission is addressed, shall be payable at the rates declared by paragraph 157, rule I, to be chargeable for serving and executing processes issued by such Court.

Illustration—A commission is issued by a Subordinate Judge to a Small Cause Court Judge for the examination of a witness. Here the fee for a summons to the witness will be that prescribed in the fourth column of paragraph 157, I.

Ferry tolls, &c., incurred by peons

113. When, in order to serve or execute any process, the peon, or other officer who is to serve or execute it, has to cross a bridge or ferry, the amount, if any, legally exigible as toll shall be levied in cash from the person at whose instance the process is issued before delivery of the process to such peon or other officer.

Agency for service of processes

114. (1) Except where special provision is made in the Code or in this Digest for the service of any particular class of summons or other process, every process issued by a Court in Oudh, other than the Court of the Judicial Commissioner, for service in a district wherein such Court has jurisdiction, shall ordinarily be served by the process servers appointed under the provisions of this chapter to serve the processes of such Court.

(2) Subject to the aforesaid exception, other processes issued by such Courts and any process issued by the Judicial Commissioner, shall be forwarded for service, in accordance with the provisions of the Code and of this Digest, to a Court having jurisdiction in the district or place for service wherein the process is issued. No charge for postage shall be levied from the parties at whose instance the processes are issued, postage charges being prepaid by means of service postage stamps by the Court forwarding or making return.

(See O V, rr 2, 21 and 22, O XVI, r 8, &c.)

Particulars in record of Court returning summons.

115. The Court to which the summons has been sent under O V, r 21, should re-transmit it to the Court by which it was issued together with—

- (1) the Nazir's return and the affidavit or examination on oath of the serving officer,
- (2) the record of further inquiry, if any, by such Court,
- (3) where the service has been effected by affixation under O V, r 17, a declaration by such Court whether the service is sufficient or not.

Processes sent by Court to other Court if it is to be executed at a place where it has been levied.

116. When a Court sends a process for service or execution to any Court beyond its jurisdiction it shall endorse on the process a certificate that the fee chargeable under paragraph 157, rule I, has been levied.

*(Processes and summonses in general—Processes issued by,
and to Foreign Courts)*

117. (1) A Court in Oudh which receives from another Court in British India, whether in the same province or not, a process bearing a certificate that the proper fee has been levied shall cause it to be served without further charge

Processes from Courts in British India bearing certificate of levy of fee to be served free of further charge

(2) *Vice versa* any Court in British India receiving a process bearing such certificate from a Court in Oudh will cause the same to be served free of further charge

Provided that when the process is to be served or executed in the districts of Jessore, Pubna, Dacca, Faridpur, Bakarganj, Mymensingh, Tippera, Noakhali or Sylhet, at any time between the 1st May and the 31st October, a sum sufficient to cover boat hire shall be sent by postal money order with the process

(3) Any Court in British India to serve free of further charge a process referred to Chapter I, Part II, 1910, of the Calcutta High Court

PROCESSES ISSUED BY, AND TO FOREIGN COURTS

118. The serving of a summons issued by a Court in Oudh on a defendant or witness residing beyond the limits of "British India" as defined in section 3(7) of the General Clauses Act is governed by O V, rr 25 and 26

Summonses to persons residing beyond British India

List II in Appendix B gives the names of Political Agents to whom or Courts to which summonses can be sent for service under O V, r 26

119. The Courts situate beyond the limits of British India authorized under section 29 of the Code to send a summons for service on a defendant or witness to a Court in British India are set forth in List I of Appendix B

Summonses issued by certain Courts situate beyond limits of British India

An Oudh Court must serve as if issued by a Court in British India any summons received from such Courts

120. Apart from the provisions of paragraphs 118 and 119, reciprocity of service of processes has been arranged between the Courts in Oudh and the following Native States —

Reciprocity in the matter of service of processes and of fees arranged with certain Native States

Hyderabad,

Bhopal Agency

Kashmir and Jammu

Malwa Agency

Gwalior Residency

Baghelkhand Agency

Indore Residency

Bhopawar Agency

Bundelkhand Agency

Baroda

Mysore.

*(Processes issued by, and to Foreign Courts—Summonses
to soldiers and public officers.)*

the Civil Courts will not hastily decide the case. Civil officers should, therefore, make due allowance for any delays that may occur in the service of process in the Nepal Terai.

125. When a process issues for service in the Straits Settlements the ordinary procedure is that indicated in O. V, r. 25. When service cannot be thus effected the process may be sent through the Secretary to Government to the Colonial Secretary of the Straits Settlements, or sent direct by the Court issuing the process to the corresponding Court in the Straits Settlements, in which latter case the fee for service and the return postage shall be sent with the process.

Service in the
Straits Settlements.

The Court which in the Straits Settlements corresponds to that of a District Judge is the Court of Requests, and the fee for service of a summons, which should be forwarded by post office order and not in stamps, is 25 cents of a dollar for each defendant.

The dollar (100 cents) may be taken as the equivalent of two rupees for the purpose of calculating the necessary fees. The rate of postage can be ascertained from the Postal Guide.

When issuing the process care should always be taken to fix a date not less than three months from the day on which the process is posted to the Straits Settlements for the appearance of the person mentioned therein before the Court.

126. (1) Where a process is issued to any Court outside British India, not being one of the Courts mentioned in paragraph 120, the Court issuing the process shall require the party at whose instance the process is issued to pay in cash (and not in Court-fee stamps) such fee for service as is required by the Court to which the process is to be sent, and shall transmit the same to such Court together with, in the case of a summons, reasonable travelling and other expenses.

Process-fee, &c. to
be remitted with
process in the cases
of other Native
States.

(2) Similarly a process issued by any such Court shall only be
157, I,
be thus
to be

affixed to the process.

SUMMONSES TO SOLDIERS AND PUBLIC OFFICERS.

127. No summons to a military officer or soldier as a defendant shall be sent to the authorities at the India Office or the Horse Guards or any other authority in England for service.

Summons to a
soldier in England.

(See O. V, r. 23.)

128. It should be noted that under O. V, r. 25 and under O. V, r. 28 read with O. XVI, r. 8, a summons to a soldier whether as defendant or as witness shall be sent for service to his Commanding Officer together with a copy to be retained by the defendant. In such case sufficient time should be given to admit of arrangements being made for the relief of the person summoned.

Summons to a
soldier in India.

(Summonses to soldiers and public officers)

Summonses to soldiers at certain foreign stations to allow sufficient time for appearance or representation

129. When a summons or other notice is directed to an officer, non-commissioned officer, or soldier of the Indian Army serving at any of the places mentioned below, in order to give him sufficient time either to appear in person or to appoint a representative or to make such other necessary, the date fixed for hearing of the case shall be the period noted against each such place plus the period of the summons or notice —

1. Tabriz (on the Persian Gulf)	5 months
2. Hong Kong	
3. China (i.e., Shanghai, Tientsin, Shanhaikwan, Peking and other ports)	4 months
4. All stations on the Persian Gulf except Tabriz	..	..	..
5. Nyassaland	..	..	..
6. Somaliland	3 months
7. Uganda	..	..	..
8. Straits Settlements	..	..	..
9. Fort Sandeman, Zhob district	2½ months
10. Ceylon	2 months
11. Andaman Islands	..	..	..
12. Aden	..	..	..
13. Burma	..	..	..

Summonses to public officers and railway servants

130. (1) With reference to O V, r 27, a summons to a public officer or a servant of a railway company or local authority shall ordinarily be sent to the head of the office in which he is employed.

A list of officers through whom servants of Railway Companies working in whole or in part in these Provinces should be served, is given in Appendix C

(2) A summons to a patwari shall ordinarily be sent for service to the Collector or, if the Collector of any district has so directed, to the Tahsildar within the limits of whose tahsil the patwari's circle is situated

Summonses to officers of the Telegraph department

131. The Telegraph department of these Provinces has the following five divisions —Agra office, Agra, Allahabad, Bareilly and Lucknow divisions. The summonses should ordinarily be sent to the Superintendent of the division to which the person summoned belongs

(See O V, r 27)

Intimation to head of office when summons is sent direct to public servant

132. In every case where a Court sees fit to issue a summons direct to any public servant other than a soldier under Order XVI, simultaneously with the issue of the summons notice shall be sent to the head of the office in which the person summoned is employed, in order that arrangements may be made for the performance of the duties of such person

Illustration —If a Court sees fit to issue a summons direct to a lamungo or patwari, it shall inform the Collector of the district, and if to a Sub-Registrar, it shall inform the District Registrar to whom such Sub-Registrar is subordinate

Notice to head of office when summons is served through him.

133. Where a public officer or soldier has been summoned under O V, r 3 or Order XVI, through the head of the office or the Commanding Officer, in the forwarding letter or in a note on the summons it shall be stated that the summons should be also regarded by such head of the office or Commanding Officer as notice to make arrangements for the performance of the duties of such officer or soldier during his absence.

(Summonses to soldiers and public officers—Establish-

ment and arrangements for service of processes)

134. Neither of the preceding two paragraphs shall apply where a soldier or public servant is summoned as a defendant under O V, r 1. In such cases he is expected to make his own arrangements if he wishes to appear in Court in person.

Exception to two previous paragraphs

135. Judges are bound to have some consideration for the public service, and should endeavour not to hamper the executive unnecessarily. Before the personal attendance of officers holding responsible posts is enforced the presiding Judge shall satisfy himself that their attendance in his Court is necessary. If such officers are summoned away from their districts sufficient notice shall be given to them and to their immediate superiors to enable arrangements to be made for the discharge in their absence of their duties.

Executive officers not to be summoned unnecessarily and without due notice

ESTABLISHMENT AND ARRANGEMENTS FOR SERVICE OF PROCESSES

136. (1) There shall be one general establishment of peons at the headquarters of each district in Oudh for the service of processes issued for service within the jurisdiction of any Court at such headquarters. Such general establishment shall be under the immediate direction of the Central Nazir.

General establishment of peons—at the headquarters of a district—under direction of Central Nazir.

(2) There shall also be an establishment of peons under the immediate direction of the Nazir of every outlying Munsifi for the service of processes issued for service within the jurisdiction of such Munsifi.

Establishment of peons at outlying Munsifi

137. Every process issued or received by a Court at the headquarters of a district for service within its own jurisdiction or within the jurisdiction of any other Court at such headquarters shall except as otherwise provided in the proviso below and in paragraph 139 be delivered to the Central Nazir.

Processes issued or received at headquarters to be delivered to Central Nazir

Provided that any such process issued for service within the five mile radius at Lucknow shall be sent to the Nazir of the Small Cause Court for service.

138. The Nazir to whom the process is sent under the preceding paragraph shall be deemed the serving officer of the Court from which he receives the process and shall forward direct to such Court in the case of a summons the return prescribed by O V, r 18 and in the case of a warrant for arrest or attachment the inventory of the property attached the judgment debtor if arrested and any decretal money received from the judgment debtor.

Central Nazir, &c. receiving process for service to forward return, &c. direct to Court issuing

139. Where such process is for service within the jurisdiction of an outlying Munsifi of the district it shall be sent to the Munsifi of such outlying Munsifi who shall proceed as if he had received such process from a Court in another district (see paragraph 115).

Processes issued or received at headquarters for service in outlying Munsifi

Provided that

- (a) warrants of sale and arrest
- (b) urgent processes,
- (c) any other process which in the particular case it is advisable to serve or execute by a headquarter peon

(Establishment and arrangements for service of processes)

shall when issued by a Court at headquarters be delivered to the Nazir at headquarters for service by a headquarter peon.

Provided also that an outlying Munsif receiving a warrant of attachment from a Court at headquarters, shall forward the inventory of the attached property to the Court issuing the same for entry in the Register of attached property (Form 8), and shall not enter the same in his own register.

Processes issued
or received by out-
lying Munsifi.

140. A process issued or received by an outlying Munsifi shall—

- (a) if it is for service within its own jurisdiction be delivered to the Nazir of such Court,
- (b) if it is for service within the jurisdiction of another outlying Munsifi of the same district be sent for service to such other outlying Munsifi,
- (c) if it is for service within the jurisdiction of a Court at headquarters but not within the jurisdiction of any outlying Munsifi be sent for service to the District Judge or the Subordinate Judge at headquarters, as the case may be.

Nazir's list of
inhabited places

141. Every Central Nazir and Nazir shall maintain for the jurisdiction for which he is the proper officer for service of processes—

- (1) a list of all inhabited places within a five-mile radius of his office,
- (2) a list of all inhabited places outside such five-mile radius.

An 'inhabited place' for the purpose of this paragraph means a place containing inhabitants and having a distinctive name.

Fixed beats for
process servers out-
side five mile radius.

142. (1) The Central Nazir shall divide the area outside the five mile radius exclusive of the sphere of outlying Munsifis, if any, into beats.

(2) The boundaries of a beat may be continuous with pargana, thana-circle or village boundaries but not with railways, high roads, or other communications, it being desirable that the adjacent country on both sides of such communications should be in the same beat.

(3) The area of a beat shall be as extensive as but not more extensive than will permit of a single process server starting from headquarters serving within a given number of days (ordinarily seven) ten to fifteen summonses issued for service at different places including at least two of the least accessible places in the beat.

Map and collection
of beats.

143. A distinct marked map with the beats shall be hung up in every Nazir's office. The District Judge shall from time to time revise the collection of the beats and make such changes as experience may suggest.

Process almost
entirely distributed
of processes for service
in the beats.

144. In the Nazir's office in each beat shall be divided into as many (or more) pigeon holes as there are beats, with separate holes for urgent processes & and other processes as soon as it is received shall be placed in its appropriate pigeon hole. As soon as sufficient processes for a single process server to serve, have accumulated in a pigeon hole or sooner if that number is not reached within three days or if delayed in serving any processes is unduly, the processes shall be given to a process server for service.

(Establishment and arrangements for service of processes)

145. Processes for service at places within the five mile radius shall ordinarily be returned either the same day or the next

Service of processes within five mile radius

Ditto

146. The provisions, in particular the provisions as to the formation of beats, contained in this chapter and applicable to the serving of processes by Central Nazirs shall *mutatis mutandis* apply to the service of processes within the five mile radius by the Nazir of the Small Cause Court City Lucknow

147. The process servers priority will be given to process servers who have longest service. A process server should not ordinarily be sent twice consecutively to the same beat

Priority in distribution of processes to be given to process servers longest at headquarters

148. In column no 10 of the Nazir's Register of Processes (Form 10), against each process shall be entered the last date fixed for the return of the process server after service of all processes delivered at one and the same time to him for service within the beat

Entry of date of return of process in Nazir's Register of Processes

Such date shall ordinarily be the number of days mentioned in paragraph 142(3) together with a margin of three extra days to enable the process server when necessary to make repeated efforts at service (see paragraph 155). Such repeated efforts shall be entered by the process server in his diary

149. An attendance register of process servers shall be kept and the roll shall be called over every morning at 10

Attendance register of process servers

150. Every process server shall keep a monthly diary containing a copy of this paragraph on the first page in the following form wherein shall be recorded day by day in column 2 -

Monthly diary to be kept by process servers

the time, period and purpose of his attendance in the Nazir's office or in Court,

the duties performed places visited by him together with the time spent therein and stopping place for the night when away on duty from his headquarters and in column 3 the signature of the Nazir or of a Court or of a patwari zamindar or other respectable person as the case may be in attestation of the contents of column 2

Date	Particulars of work and time spent thereon	Signature of Nazir or patwari zamindar &c	Remarks
1	1	2	3

At the end of this diary shall be reserved some pages for the following return in respect of the work of each process server -

Date of entry	Serial no	Warrants executed	Warrants not executed	Summonses and notices served personally	Summonses and notices served but not personally	Summonses and notices returned unserved
1	2	3	4	5	6	7

(Establishment and arrangements for service of processes—
Rules under sections 20 and 22 of the Court-fees Act)

This return shall be written up by the Nazir or officer deputed by him upon the return to headquarters of a process server after serving a warrant, summons or notice, and the date when the entry is made recorded in column 1

At the end of the month the several columns shall be totalled up and the totals entered in a peons' register kept by the Nazir in Form 11

151. It shall be the duty of the Nazir to see that process servers are respectably dressed and wear their badges, belts and satchels

152. A summons to a party or witness may be served by special messenger in any case in which a Court shall, *suo motu* or otherwise, record an order that, for the convenience of the parties or to insure service within time or for some other reason, it is expedient that such process should be so executed

A special fee shall be payable for such "emergent service" and the Court shall, at the time of passing the order, declare by whom the fee shall be paid and whether it shall be included in the costs of the suit or be charged to a particular party

153. Except where a summons is served by special messenger under the preceding paragraph, Nazirs shall arrange for the prompt issue and service of all summonses to witnesses received by them for service without regard to the date fixed for the attendance of such witnesses

154. Processes should be served with the utmost care, their contents being explained to the parties and proper acknowledgments taken. One copy is to be delivered to the person named in the summons or such other person as may be authorized to receive it for him. On the other copy must be entered the acknowledgment of the person served, attested by two neighbours

155. If the person to whom the summons is addressed be absent, the process server shall inquire whether he is in the neighbourhood or gone to a distance, the date and reason of his departure, and probable date of his return. O V, r 17 read with O XVI r 5 provides that if the serving officer "cannot find" such person he shall affix a copy of the summons to the house. This method of service shall only be employed when the serving officer, after using all due and reasonable diligence, cannot find such person. If he is merely temporarily absent from home when the process server calls, it is not correct to say that he cannot be found

156. If the summons be attached to the door of a house, an acknowledgment of its being posted is to be taken from two respectable neighbours. If the house be in a town such neighbours will be readily found, but if in a village they will be any of the following persons: landholders or their representatives, the village headman, patwari, chaukidar, and persons of similar status

RULES UNDER SECTIONS 20 AND 22 OF THE COURT FEES ACT.

157. In exercise of the powers conferred by the Court-fees Act, 1870, sections 20 and 22, the following rules are made:—(a) the fees chargeable for serving and executing processes, (b) the remuneration of the

Process servers to be respectably dressed

Emergent summonses

Prompt service of summonses without regard to date fixed

Mode of service of process

When person to be summoned is absent from home

Acknowledgment to be taken from two neighbours when summons is attached to door

Process serving rules

(Rules under sections 20 and 22 of the Court-fees Act)

persons employed to such service and execution, and (c) the number of process servers employed for serving and executing processes issued out of the Civil Courts:—

I.—The fees chargeable for serving and executing processes issued by the Judicial Commissioner's Court in its appellate jurisdiction and by the Civil Courts within the Province of Oudh shall be on the following scale:—

Scale of process fees

	Judicial Commissioner's Court	Courts of first appeal	Civil suits in District Courts on the original side	Small Cause Courts and Courts of Honorary Munsifs
	1	2	3	4
<i>Article 1.</i>	Rs a p	Rs a p	Rs a p	Rs a p
Every summons, subpoena, sale notice, proclamation, injunction or other order not elsewhere specified in this table.	0 12 0	0 8 0	0 6 0	0 4 0
Emergency summons	1 8 0	1 0 0	0 12 0	0 8 0
<i>Article 2</i>				
Every commission to make a local investigation, or to take evidence, or for any other purpose—				
(a) in respect of the commission ..	2 0 0	1 0 0	0 8 0	0 0 0
(b) in respect of the remuneration of the commissioners ..	Such sum as the Courts may direct			
<i>Article 3</i>				
Every process of attachment of property by notice or proclamation or actual seizure	..	..	1 0 0	0 8 0
<i>Article 4</i>				
Every warrant for the arrest of a person either, in execution or before judgment not being a warrant to enforce attendance of defendant to file answer to a suit, issued under the rules in force in Oudh.	..	..	1 8 0	0 12 0

Exceptions.—(a) The fees leviable under article 1 shall, in suits not exceeding Rs 5 in value instituted in the Courts of Subordinate Judges and Munsifs, be charged at the rate of four annas for each process.

(b) Where there are several defendants to a case and all of them reside in the same village only charge shall be made for service of summons requiring them to appear and answer the plaint.

(c) No fee shall be chargeable for serving or executing a process issued by a Court *proprio motu*.

PARA 157.] *Processes (including summonses)* [CHAP. III
(Rules under sections 20 and 22 of the Court fees Act)

Process fee labels II — The fees chargeable under the preceding rules shall be levied by process fee label

Table of process fees III — A table (in English and vernacular) of the fees chargeable under rule I should be required by section 21, Court fees Act, be exposed to view in a conspicuous part of each Court and in the Nazir's office

Establishment. IV — The following monthly salaries shall be allowed to bailiffs and process servers employed in the service or execution of processes of the Civil Courts —

1st — In the Courts of District Judges other than District Judge, Lucknow —

Process servers —

	Rs.
One-fourth 1st grade	8
One-fourth 2nd grade	6
Half 3rd grade	5

2nd — In the Court of the District Judge of Lucknow —

	Rs.
Do. do.	10

Process servers —

	Rs.
One-fourth 1st grade	8
One-fourth 2nd grade	6
Half 3rd grade ..	5

3rd — In the Small Cause Court City Lucknow —

	Rs.
Do. do.	10
Dafadar of peons	10

CARRIAGE at the rate of Rs. 1 (to be paid to any sum not exceeding Rs. 2 under the stipulation of the Judge of the Court) will be allowed to the Bailiff of the Court of Small Causes City Lucknow for every process or warrant of arrest executed by him. The carriage hire so allowed shall be realized from the party applying for the issue of the process or warrant.

Process servers —

	Rs.
One-fourth 1st grade	8
One-fourth 2nd grade	6
Half 3rd grade	5

3rd — For the following Courts process servers shall be engaged by the District Judge —

- a Court of a Subordinate Judge of an outlying district,
- a Cantonment Small Cause Court,
- an outlying Munsif
- a Court of an Illahi Munsif

(Rules under sections 20 and 22 of the Court-fees Act)

V.—Subject to any orders of the Judicial Commissioner, the normal establishment of peons for a process-serving office shall be at the rate of one peon for an annual average of four hundred processes issued.

Number of processes to be annually served by each process server.

VI.—For the purposes of the preceding rule an ordinary warrant of arrest or warrant of attachment of property shall be reckoned as equal to two processes, as two peons are required to serve the same. An "emergent summons" or a day occupied by a peon in attending on arbitrators, in keeping custody of a judgment-debtor under O. XXI, r. 40(3), in bringing records to another Court, or in carrying forms and stationery, shall be reckoned as equal to three processes.

Method of calculating number of processes.

VII.—Prior to the 1st December in each year every District Judge shall ascertain the average number of processes, including warrants issued from his own Court and from each of the Courts subordinate to him during each month of the three years last past, and the process servers to be employed in each district, as a permanent establishment, shall be in number sufficient for the execution of the smallest average number of processes found to have been issued in any one month during which the Courts were open.

Method of determining permanent staff.

VIII.—When the permanent establishment of process servers has been determined under rule VII, intimation of the same shall be sent on the 1st December in the annexed form A, through the Judicial Commissioner, to the Secretary to the Government, United Provinces, and such establishment if approved by His Honour the Lieutenant Governor, shall be intimated to the Accountant General. The number of process servers so determined shall not be increased except as provided by the next rule.

Intimation of permanent establishment to be given to Government and Accountant General.

Form A.

Months.	Number of processes issued			Average.
	19	19	19	
	Civil	Civil	Civil	
January, &c. 				
Total 				

IX.—Should the number of processes served within any six months by the process servers employed under any Nazir in the terms of rule VII exceed the allotted average by ten per cent the District Judge may, with the previous sanction of the Judicial Commissioner, increase the number of process servers so employed proportionately, and if there be a decrease to the extent of ten per cent. in the number of processes served, or if the District Judge consider that the processes for execution can be served by a smaller number of process servers than are employed to the limit of rule VII, he shall make such reduction in their number as he may think expedient and shall report the same to the Judicial Commissioner.

Form A.

(Rules under sections 20 and 22 of the Court-fees Act—Scale of travelling expenses of witnesses.)

Bills for extra establishment.

X.—Bills on account of the pay, contingent expenses, &c., of such extra establishment, shall be submitted separately from the bills on account of the permanent establishment, and shall be accompanied by a voucher in Form B.

FORM B.

No. a. p.

I.—Average number of processes issued monthly in the three years last past

II.—Number of processes issued during the month preceding that on account of which bill is submitted

III.—Number of process servers entertained, permanent and extra, in the month preceding that for which bill is submitted

IV.—Average number of processes served by process servers as above

V.—Number of processes served in the month for which bill is submitted

VI.—Number of extra process servers entertained and number of days entertained

VII.—Number of process servers, permanent and extra, employed during the month for which bill is submitted

VIII.—Average number of processes served by process servers in the month for which bill is submitted

IX.—Total amount of fees levied under rules I and II to end of month for which bill is submitted

X.—Total amount of expenditure, including bill submitted on account of pay of process servers, permanent and extra, to end of month for which bill is submitted

Expenditure not to exceed 60 per cent. of the income.

XI.—The bills prescribed by rule X shall be paid on the countersignature of the District Judge; but each Court will be held responsible for seeing that the total expenditure on account of pay of peons employed under rule VII in the service of processes does not exceed 60 per cent. of the fees levied, the remaining 40 per cent. being required for pay of supervising establishments, pensionary allowances and contingencies.

Extra allowance to peons for ferry-tolls, &c.

XII.—All persons employed in the service and execution of processes and warrants under these rules will be entitled to recover any sums actually disbursed on account of ferry-tolls, boat-hire, or other similar expenses; such charges shall be paid by the Nazir and entered in his contingent bill supported by the necessary receipts. Nazirs will be held responsible for the correctness of all such charges.

SCALE OF TRAVELLING EXPENSES OF WITNESSES.

Scale of travelling expenses of witnesses.

158. Except as otherwise provided by O. XVI, r. 2(2) and in paragraphs 159 and 160, the Court shall allow travelling and other expenses of witnesses on the following scale:—

(a) Class I, five rupees p and commissioned officers of Government, Eurasian European, tion of the Court,

(Scale of travelling expenses of witnesses)

- (b) *Class II, three rupees per diem*—Head Assistants and the higher description of clerks in the public offices, Tahsildars, Inspectors of Police, or officials of similar rank, non-official Europeans or Eurasians of the middle class and Indian gentlemen, at the discretion of the Court
- (c) *Class III, two rupees per diem*—Sub-Inspectors of Police, zamindars, traders and persons of corresponding rank in the opinion of the Court
- (d) *Class IV, twelve annas per diem*—Inferior clerks in public offices, ministerial officers in vernacular offices or departments, Europeans and Eurasians not included in classes I, II and III, and Indians of the lower middle class, such as petty zamindars and tradesmen
- (e) *Class V, four annas per diem*—Daily labourers, petty cultivators, artisans and menials

159. If a witness demands any sum in excess of the sum payable according to the preceding scale, such sum shall be allowed if he satisfies the Court that he has actually and necessarily incurred the additional expense. For instance a post office employé, producing a certificate from his official superior of his liability for a sum in payment of a substitute entertained during his absence from duty, is entitled to receive such sum in addition to the travelling and other expenses allowed by the preceding scale to witnesses of the class and rank to which he belongs

Additional expenses where really incurred to be allowed.

160. If a witness is detained for a longer period than one day, he shall be allowed for each extra day or part of a day such sum for his expenses, not usually exceeding that payable under paragraph 158, as may seem to the Court reasonable

Allowance for protracted attendance

161. The Court may for any special reason, other than those stated in O XVI, r 2(2) and paragraphs 159 and 160, which reason shall be noted on the record, allow expenses on a higher scale than that provided in paragraph 158

Special allowance

162. diet money for of the Court :

receives miles

Calculation where witness resides at a distance from the Court

one day for attendance at the Court, and one day for returning. Witnesses residing between fifteen and twenty five miles from the Court shall receive five days' diet money, between twenty five and thirty five miles, seven days' diet money, between thirty five and forty five miles, nine days' diet money, and so on, an additional two days diet money being allowed for every additional ten miles of distance from the witnesses home. This rule applies only to witnesses travelling by road

commg,

163. (1) A witness travelling by railway shall receive diet money for one day plus his return railway fare according to the following scale—

Railway expenses.

A witness of class I—First class fare

" " class II—Second class fare

" " class III—Intermediate class fare

" " classes IV and V.—Third class fare.

(Scale of travelling expenses of witnesses.)

(2) Such witness, if he has travelled by rail from a place more than 50 miles distant by rail, shall also receive two days' diet money according to the scale given in paragraph 162.

Certificate of expenses paid to Government officials.

164. To enable the Accountant General to check the deductions made under articles 1133 and 1134 of the Civil Service Regulations from the travelling allowance and salary bills of Government officers, of the allowances paid to them by the Courts before which they are summoned to give evidence, a certificate in Form 91, to be attached to the bills, will be granted to them by the Courts concerned, and the grant of the certificate will be recorded in the order sheet.

Expenses of witnesses summoned under section 476 of the Code of Criminal Procedure.

165. With the sanction of the Local Government, the Judicial Commissioner directs that when witnesses are summoned by a Civil Court to attend a preliminary inquiry held under section 476 of the Code of Criminal Procedure, 1898, into any offence referred to in section 195 of the Code of Criminal Procedure, diet money on the scale allowed for Criminal Courts be paid to such witnesses by the nearest Magistrate or the requisition of the Civil Court.

Act of 1

CHAPTER IV.

Execution.

[Sections 36-74 and Order XXI]

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GENERAL.

166. It shall be the duty of every presiding Judge to see that execution cases are not neglected or needlessly prolonged. They should be disposed of with the same care and regularity as original suits. The Judicial Commissioner suggests that at least one day in each week should be fixed for the disposal of execution cases. Sufficient time should be allowed for the execution of all processes, warrants, and orders issued in execution of decrees. Abortive attempts to execute orders involve delay and confusion and are a waste of time and money.

Prompt disposal
of execution cases.

Every order in execution shall be entered or referred to in the order sheet under a separate serial number.

167. O. XXI, r. 1, must be read with sections 42 and 55 (proviso 4), O. XXI, r. 69(3), and Form no. 8, Appendix E, to the First Schedule of the Code. A process server or other officer executing a warrant of arrest or attachment must be regarded as a person to whom the Court which made the decree or to which the decree has been sent for execution has directed that payment of the judgment debt and costs shall be made provided that no such officer may endorse on the warrant or order the fact of satisfaction of the decree, unless the decretal sum with costs is paid to such officer himself.

Modes of paying
money under decrees.

168. The certificate referred to in O. XXI, r. 2, shall be in the form appended below. It may be presented without need not be stamped, but if accompanied by such application must be stamped under the the value of the stamp shall not be charged as costs against the judgment-debtor.

Certificate of pay-
ment out of Court.

Act VII of 1872.

IN THE COURT OF THE

OF

Plaintiff,

v. vs

Defendant

SUIT NO

or 19 .

Certified by a decree holder under O. XXI, r. 2 (1), Code of Civil Procedure, 1908.

(General—Transferred decrees)

I, decree-holder, certify to the Court payment or adjustment in the following terms of the amount of Rs in the above suit by on the

Decree-holder.

NOTE 1.—The terms shall be stated.

NOTE 2.—A note of such payment out of Court shall be made in the Register of Applications for Execution if an application has been made for execution and otherwise in the Register for Civil Suits.

Form of application for execution.

169. An application for execution of a decree shall be in Form no. 6 of Appendix E of the Code. O XXI, rr 12, 13, 14 and 66 (3) specify the further information, the accompanying documents, and verification required in certain particular cases

Description of moveable property to be attached.

In an application for attachment of moveable property, where the property to be attached is not in the possession of the judgment-debtor, an accurate description of such property is required; otherwise it is sufficient to describe the general nature of the property.

Duty of Munsarim and office

170. It shall be the duty of the Munsarim to receive applications for execution, and before putting up for orders an application the office shall by reference to its registers ascertain and report, whether the requirements of O XXI, rr. 11 to 14 applicable to the case have been complied with. To facilitate reference to the registers the applicant may be required to produce a certified copy of the decree.

Every application for execution of a decree shall, as soon as it is admitted, be entered by the officer appointed in the Register of Applications for Execution of Civil Decrees (Form 3).

TRANSFERRED DECREES.

Transmission of decree to another Court
Postal charges for—

171. When, on the application of a decree-holder, under section 39 of the Code a Court directs that a decree be sent for execution to another Court and postal charges have to be incurred, the procedure prescribed in paragraphs 355 and 356 shall be followed

Procedure on receipt of decree from another Court.

172. A decree received for execution from another Court shall be entered in the Register of Non-Judicial Miscellaneous Cases. As soon as execution of the same is made, along with a certificate of satisfaction in O. XXI, r. 6, shall be filed

in the Court.

The file thus composed together with the record of proceedings, if any, subsequently taken shall be returned to the Court by which the decree was sent for execution,

(a) when the decree has been executed, wholly or in part, by the Court to which it has been sent,

(b) when the decree is found for any reason to be incapable of execution, or

(Transferred decrees)

- (c) if no application is made for execution, after the expiry of one year from the date on which the decree was received

In the case of (b) or (c), along with the file shall be sent a statement explaining the reason for the return of the record. In no case shall such file be consigned to the record room of the Court to which the decree has been sent for execution. The Court by which the decree was sent for execution shall, on receiving back these papers, cause them to be filed with the application of the decree-holder for execution.

173. When a decree is sent to a Court outside Oudh ordinary postage stamps or a money order shall be sent sufficient to cover the return by post.

Return postage on decrees sent for execution

174. When the certificate, prescribed by section 41, is received by the Court which sent the decree for execution, it shall cause the necessary details as to the result of execution to be entered in the Register of Civil Suits (Form 1) before the papers are transmitted to the record room

Result of execution to be entered in register by Court sending decree.

175. (1) The Courts by which decrees may be sent to Courts in Oudh for execution are, —

Courts by which decrees may be sent to British India for execution

- (a) Courts situated in British India, whether the provisions relating to execution extend to them or not,

- (b) Courts established or continued by the Governor General in Council in the territories of Foreign States or Princes, and

- (c) Courts of Native States notified under section 44.

(2) The names of Courts belonging to clauses (b) and (c) are given in List III of Appendix B

(See sections 43 and 44)

176. The Courts in the territories of any Foreign Prince or State to which decrees of Courts in Oudh may be sent for execution are (a) Courts established or continued by the Governor General in Council and notified under section 45, (b) Civil Courts in Mysore, Baroda and Benares.

Courts in Native States to which decrees may be sent by Courts in Oudh

For the names of these Courts consult List I of Appendix B

(See section 45)

177. With respect to the execution in Native States of decrees which do not fall within the purview of section 45 of the Code Resolution, Foreign Department no 240, dated the 27th August 1868, provides that an application for the assistance of Government in obtaining execution of such decrees may be made through the Court which made the decree, if accompanied by a properly attested copy of the decree. Such application and copy may be forwarded to Government by the Court when the case is distinguished by exceptional circumstances such as the following, namely —

Application for the assistance of Government to execute decrees in certain Native States.

- (a) the defaulting debtor possesses large means within the limits of native territories,

(Transferred decrees—Ancestral land.)

- (b) the default is marked by acts of gross fraud and flagrant dishonesty; and
(c) an honest creditor has been reduced to ruin by deceit and artifice.

ANCESTRAL LAND.

Ancestral land
Notification in respect of—

178. In exercise of the powers conferred by section 68 of the Code the Local Government has by Notification no. 1887/I—288, dated the 7th October, 1911, declared that, with effect from the 1st January 1912, the execution of decrees in cases in which a Civil Court has ordered any ancestral land situated in the United Provinces of Agra and Oudh or any interest in such land to be sold shall be transferred to the Collector.

Definition of—

179. In the above notification and in this chapter the term "ancestral land" means—

- (a) land, forming a mahal or share in or portion of a mahal which has been owned continuously, in Agra from the first of January 1860, or in Oudh from the first of January 1858 or from the conclusion of the settlement, by the proprietor, which proprietor "in Oudh as defined in section 4(15) of the United Provinces Land Revenue Act, 1901, or by the person or persons from whom such proprietor has directly or indirectly inherited such land;
(b) land forming an estate or part of an estate as defined in the Oudh Estates Act, 1869;
(c) land conferred by the British Government as a reward for services rendered to the State on the owner or on a person from whom such owner has directly or indirectly inherited such land; or
(d) the interest of the holder of a grant of land revenue conferred by the British or any former Government on him, or on a person from whom he has directly or indirectly inherited such interest.

U. P. Act III of 1901.

Act I of 1869.

Court's method of ascertaining whether land to be sold is ancestral.

180. Every Civil Court, on passing orders for the sale of any land in pursuance of a decree, shall ascertain from the judgment-debtor whether it is ancestral land as defined in the preceding paragraph, and after hearing any objection made by the decree-holder, shall, if satisfied that the land or any portion of it is ancestral land, deal with the decree affecting it as directed in the following paragraph.

Rules framed by Government under section 70 of the Code.

181. Of the rules framed by the Local Government under section 70 of the Code and notified in Notification no. 1887/I—238, dated the 7th October 1911, the following relate to or affect the procedure of Civil Courts:—

2. When a Court has ordered any ancestral land to be sold in execution of a decree it shall transmit by post, or in such other manner as may be most convenient, a copy of the decree along with the papers mentioned in rule 6 below to the Collector of the district in which the property, or the greater portion thereof, is situated or is held to be situated after the reference prescribed in rule 5 below.

(Ancestral land)

3 If, after the decree has been transmitted, any claim to the property ordered to be sold, or any objection to the sale be preferred to the Court that ordered sale, the Court may, if it see fit, recall the decree and proceed to dispose of the claim or objection. When, notwithstanding such claim or objection, the order for sale of the property is maintained by the Court the decree shall be retransmitted to the Collector. If such claim or objection be preferred to the Collector, the claimant or objector shall be referred by him to the Court that ordered sale.

4 Similarly when it appears to the Collector appointed under O XXI, r 65 of the Code of Civil Procedure, 1908, by a Court to conduct a sale that the land is ancestral land, he may forward a statement of his opinion together with the grounds thereof to the Court so appointing him. Such Court after inquiry, if necessary, shall decide whether or not the land is ancestral and shall in accordance with such decision, which shall be binding on the Collector, either cancel the order made under O XXI, r 65, and transfer the decree for execution to the Collector or shall direct him to proceed with the sale.

5. If there be any doubt as to the (a) district, or (b) division, in which the property, or the greater portion thereof is situated, the Civil Court shall refer the question in case (a) to the Commissioner of the division, and in case (b) to the Board of Revenue who shall, as soon as may be, decide upon such reference and the Civil Court shall thereupon transfer the decree accordingly. The Collector to whom the decree is thus transferred shall have power to deal with the property ordered to be sold, wherever it may be situated, and, if he eventually take action under the Third Schedule of the Code of Civil Procedure, 1908, to deal with the whole property of the judgment-debtor.

6 Along with the said copy of the decree or decrees in execution of which the Court has ordered the property to be sold the Court shall send—

- (1) a statement showing the extent, if any, to which the decree has been already executed, and clearly setting forth what portion of the decree still remains to be satisfied,
- (2) a copy of the application for execution of the decree and of the order made thereon for sale;
- (3) a statement showing as clearly as possible of what property, and of what rights and interests of the judgment debtor in such property, so far as they are known to the Court, sale has been ordered,
- (4) a statement of the grounds on which such Court has held the property to be ancestral, and
- (5) any other papers which may be considered necessary in order to enable the Collector to ascertain exactly the nature of the decree, the property of which sale has been ordered, and the rights and interests therein of the judgment debtor.

7. The aforesaid documents shall be prepared and transmitted to the Collector free of all cost to the parties, the copies, statements or papers being prepared by the Court establishment.

(Ancestral land.)

8. The Collector shall notify to the Court the receipt of the said documents, and shall register the decree in a book to be kept for the purpose in the following form:—

Register of decrees received from Civil Courts for execution by the Collector of in 19 .

Serial number.	Number of decree.	Date of decree.	Name of decree-holder and judgment-debtor.	Date of transmission of decree.	Date of receipt of decree by Collector.	Amount for which execution is ordered.	Property of which sale is ordered.	Nature of decree.	Decree how executed.	Date of retransmission of decree to Civil Court.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

15. Should the Collector receive two or more decrees from the same Civil Court or from different Courts for the sale of the same property he shall act as follows:—

- (1) if all the orders of sale are from the same Court, the Collector shall inquire by reference to the Court, whether the sale shall be held in pursuance of all the orders or of one only, and, if of one only, then of which one;
- (2) if the orders for sale have been received from different Courts, and there is a difference of grade between such Courts, the sale shall be held in pursuance of the order of the Court of highest grade, intimation being given, immediately after sale, to the other Courts, that such sale was held in pursuance of the order of that Court;
- (3) if the orders for sale have been received from different Courts of the same grade, the Collector shall ascertain the date of the attachment made by each of them, and hold the sale in pursuance of the order of the Court by which the property was first attached, intimation being given, immediately after sale, to the other Courts that such sale was held in pursuance of the order of that Court;
- (4) when the property has been ordered to be sold in pursuance of decrees of more Courts than one, but the sale is held in pursuance of the order of only one such Court, the Collector shall intimate to intending purchasers at the time of sale, the fact that other Courts also have ordered the same property to be sold.

40. If sale was made under rule 12 or rule 14* of these rules the Collector shall, as soon as may be after confirmation of the sale, retransmit

* Note.—Rules 12 and 14 provide for public sale as opposed to private sale or alienation.

(Ancestral land—Sale proclamation)

the decree, and all papers received therewith, to the Court by which the decree was transmitted, together with a report of his proceedings, and an account showing the money realized under the decree and the sum held at the disposal of the Court. All subsequent proceedings in connection with the decree and delivery of possession to the purchaser shall be taken under the orders of the Court.

182. A Civil Court has no power to interfere with the procedure of a Collector in the execution of a decree which has been transferred to him under section 68 of the Code.

(See section 50.)

No interference by Court with Collector's procedure in respect of transferred decree

183. In consequence of the notification referred to in paragraph 178 above it is no longer necessary for a Court to obtain under section 20 of the Oudh Laws Act, 1876, the permission of the Lieutenant Governor before ordering the sale of ancestral property. Such sanction will, if necessary, be obtained by the Collector to whom the decree is transferred.

Civil Courts no longer required to obtain sanction under section 20 of the Oudh Laws Act

SALE PROCLAMATION

[O XVI, r 66.]

184. When the property which it is sought to bring to sale is immoveable property within the definition of the same contained in the law for the time being in force relating to the registration of documents and the decree is not sent to the Collector for execution under section 68, the Court, before ordering a sale, shall call upon the Sub-Registrar within whose sub-district such property is situate to search his registers and report as to what incumbrances, if any, it appears from the registers to be liable. No fee shall be payable in respect of such search and report.

Report by Sub-Registrar as to incumbrances

185. When the property which it is sought to bring to sale is revenue-paying or revenue-free land or any interest in such land, and the decree is not sent to the Collector for execution under section 68, the Court, before ordering a sale, shall also call upon the Collector in whose district such property is situate to report—

Report by Collector as to certain matters.

- (a) whether the property is subject to any (and, if so, what) outstanding claims on the part of Government,
- (b) whether any persons have been decreed subordinate tenures in respect of any of the land included in the property ordered for sale, and, if so, the number of such tenures with the extent of land so decreed and the rent payable by the subordinate holders,
- (c) the area of *sir* or *Lhudkasht* lands, if any, comprised in such property together with the date from which the judgment-debtor has cultivated such *Lhudkasht* lands continuously.

No fee is payable in respect of such report by the Collector

186. The reports of the Sub-Registrar and Collector shall be subject to the provisions contained in paragraphs 424 and 425 be open to the inspection of the parties or their pleaders, between the time of the receipt by the Court and the declaration of the result of the inquiry.

Inspection by parties of Sub-Registrar's and Collector's reports.

187. The result of the inquiry under O XVI, r 66 (4), shall be noted in an order made for the purpose by the presiding Judge in his own

Inquiry from other persons.

(Sale proclamation—Sale of immoveable property)

handwriting The Court may in its discretion adjourn the inquiry, provided that the reasons for the adjournment are stated in writing, and that no more adjournments are made than are necessary for the purposes of the inquiry

Costs of inquiry

188. The costs of the proceedings under O XXI, r 66, and paragraphs 189 and 190 shall be paid in the first instance by the decree holder, but they shall be charged as part of the costs of the execution, unless the Court, for reasons to be specified in writing, shall consider that they shall either wholly or in part be omitted therefrom

Form and making of proclamation

189. After ascertaining, as far as may be practicable, the particulars required by O XXI, r 66, the Court will cause a proclamation of the intended sale to be made in Form 79 If the land to be sold is situated in more villages than one the proclamation shall be made in each of the villages in which a portion of the land to be sold may be situated

Publication when desirable

190. It is only in exceptional cases that the Court should give a direction for publication under the second paragraph of O XXI, r 67

Discovery of material facts after making of proclamation

191. If after proclamation of the intended sale has been made any matter is brought to the notice of the Court which it considers material for purchasers to know, the Court shall cause the same to be notified to intending purchasers when the property is put up for sale

SALE OF IMMOVEABLE PROPERTY

Application by several decree holders for execution by sale of the same immoveable property.

192. (1) Before a Court has, upon the application of a decree holder, issued an order for the sale of immoveable property, one or more other decree holders may apply for sale and the Court may order the property to be sold in execution of the decrees of all or any of such decree-holders.

(2) After a Court has issued an order for the sale of the property of a judgment debtor, a decree holder subsequently applying for execution is only entitled to his share in the assets if the property is sold in execution of the decree of the decree holder at whose instance the property has been sold

(3) Consequently a Court when ordering the sale of any property, should be careful to state in such order all the decrees in execution whereof the property is to be sold

Failure to do so will if the judgment debtor averts sale by satisfying the decree of the decree holder mentioned in the order for sale entail delay and further trouble in executing decrees not so mentioned

Section 20 of the Oudh Laws Act repealed in part.

193. Section 20 of the Oudh Laws Act 1876, has been repealed so far as it relates to self-acquired property and it is no longer necessary for Courts to obtain the permission of the Commissioner to sell such property

House or building sold in cantonments

194. Whenever any Civil Court has sold, in execution of a decree or other order, any house or other building situated within the limits of a military cantonment or station, it shall as soon as the sale has been confirmed, forward to the Commanding Officer of such cantonment or station for his information and for record in the Brigade or other proper office a written notice that such sale has taken place, and such notice shall contain full particulars of the property sold and of the name and address of the purchaser.

(Sale of immovable property)

195. In preparing sale certificates under O XXI, r 94, care shall be taken to describe the property that has been sold fully and accurately. If the property be sold subject to an incumbrance, the nature of the incumbrance should be clearly set forth

Sale certificate.

196. The certificate must bear the date of confirmation of sale, but the Court granting it should note on it the dates on which the certificate was actually applied for and granted to the applicant

Date of certificate.

197. (1) By section 89 (2) of Act XVI of 1908 the Court granting a certificate under O XXI, r 94, shall send a copy of the certificate to each registering officer within whose jurisdiction the property comprised in such sale is situate. The registering officer, who, under section 55 of Act XVI of 1908, have to maintain indexes containing certain particulars. To enable them to do this, it is necessary that the officers presiding in the Civil Courts should be careful to enter in the certificates—

Sale certificate
Copy of—to be sent to
the Sub-Registrars
concerned.

(a) the "addition" (as defined in section 2 of Act XVI of 1908) of the person who is declared to be the purchaser,

(b) particulars sufficient to identify the property as required in sections 21 and 22 of the said Act

(2) The Court shall endorse on the office copy of the certificate the date on which the copy was sent to the registering officer

198. As the law [Act II of 1899 section 3 clause (a) and article 18 of the First Schedule and section 35] requires a certificate of sale

Must be stamped

since the first day of April 1879 except upon stamped paper of the value required by the Act, and no copy shall be prepared for any purpose of any certificate of sale not so drawn up

199. (1) On each copy the amount of stamp duty paid on the original certificate shall be noted. Copies prepared in compliance with section 8 (2) of Act XVI of 1908 or by article 24 (a) of Schedule 1 of Act II of 1899, exempted from stamp duty

Copies of sale
certificates

(2) All copies of certificates of sale shall be prepared upon durable paper, a margin being left for binding

200. (1) Where the property to be sold in execution of a decree is an interest proprietary or under-proprietary in a mahal or part of a mahal whether the revenue be paid to Government or to an assignee and the decree is not sent to the Collector for execution under section 68 the Court shall appoint the Collector or any Assistant Collector to conduct the sale and shall not of the proclamation of the sale made by the Court

Sale of proprietary
interest in mahal.

(2) Such sales shall usually be commenced at the Collector's office on the 20th day of each month in the year or if the 20th day be a Sunday or other close holiday then on the next office day after such Sunday or holiday and shall continue from day to day till the time fixed by the Court has expired

(3) Objections and claims shall be preferred to the Court enforcing the decree, and shall be disposed of by the Court

(Sale of immovable property—Sale and attachment of movable property)

(4) The Deputy Commissioner or other officer appointed to sell shall not postpone the sale, save under the Court's direction received prior to the lot being knocked down or on unconditional payment of the whole amount proposed to be realized by the sale, or on delivery by the decree-holder of a receipt in full of his demand against the person whose property is about to be sold. Should payment of the amount to be realized by sale be made, or the receipt of the decree-holder be delivered before the lot is knocked down, the Deputy Commissioner or other officer as aforesaid shall immediately report the circumstance for the information and orders of the Court which directed the sale, and shall postpone the sale, pending further instructions.

(5) The Deputy Commissioner or other officer will report to the Civil Court enforcing the decree the result of the order for sale, retaining in deposit the amount realized, pending further instructions.

(6) As soon as a sale has become absolute in accordance with O XXI, r 92, it shall be the duty of the Court from which the order for sale emanated to give intimation thereof to the Deputy Commissioner or other officer, and direct him to transfer the amount realized by the sale after making the deduction hereinafter required, to such Court for payment to the persons entitled to receive it. Purchasers at such sale shall be put in possession of the purchased property under the orders of the Court according to the provisions of O XXI, r 95, 96.

(7) Whenever a sale of immovable property takes place under this rule a deduction at the following rates shall be made from the amount of the proceeds of the sale:—

- (a) Where such amount does not exceed 200 rupees, at the rate of one rupee for every 100 rupees;
- (b) Where such amount exceeds 200 rupees but does not exceed 1,000 rupees, two rupees for the first 200 rupees and at the rate of eight annas for every 100 rupees in excess of 200 rupees;
- (c) Where such amount exceeds 1,000 rupees six rupees for the first 1,000 rupees and at the rate of one rupee for every 500 rupees in excess of 1,000 rupees.

From the amount so recovered all expenses incurred by the Deputy Commissioner in the conduct of sales shall be deducted and the balance shall be credited to Government.

All fees levied in respect of such sales will be credited to Government under the head of "Law and Justice."

SALE AND ATTACHMENT OF MOVABLE PROPERTY.

201. Under the proviso to section 125 of the Code the Judicial Commissioner hereby makes applicable to the Courts of Oudh the following rules which have been made by the High Court of Judicature for the North-Western Provinces in respect of the attachment of movable and other movable property:—

I.—When an application is made for the attachment of movable property, the decree-holder shall pay into

For the use of the
Alahabad High
Court as to sale and
attachment of move-
able property made
applicable to Courts
in Oudh.

(Sale and attachment of moveable property)

Court in cash such sum as will cover the costs of the maintenance and custody of the property for fifteen days. If within three clear days before the expiry of any such period of fifteen days the amount of such costs for such further period as the Court may direct be not paid into Court, the Court, on receiving a report thereof from the proper officer, may issue an order for the withdrawal of the attachment and direct by whom the costs of the attachment are to be paid.

II.—Notwithstanding anything to the contrary contained in O XXI, r 43, live stock which has been attached in execution of a decree shall ordinarily be left at the place where the attachment is made either in custody of the judgment debtor on his furnishing security, or in that of some landholder or other respectable person willing to undertake the responsibility of its custody and to produce it when required by the Court.

III.—If the custody of live stock cannot be provided for in the manner described in the last preceding rule the animals attached shall be removed to the nearest pound established under the Cattle Trespass Act, 1871, and committed to the custody of the pound keeper, who shall enter in a register—

- (a) the number and description of the animals,
- (b) the day and hour on and at which they were committed to his custody,
- (c) the name of the attaching officer or his subordinate by whom they were committed to his custody,

and shall give such attaching officer or subordinate a copy of the entry.

IV.—For every animal committed to the custody of the pound keeper as aforesaid a charge shall be levied as rent for the use of the pound for such custody

section 12 of

sent to the Treasury for credit to the Municipal or District Board, as the case may be, under whose jurisdiction the pound is. All such sums shall be applied in the same manner as fines levied under section 12 of the Cattle Trespass Act 1871.

V.—T

animals
drawn
shall be
as may

be, from time to time prescribed under proper authority. Such rates shall, for animals specified in the section mentioned in the last preceding rule, not exceed the rates for the time being fixed under section 5 of the same Act. In any case, for special reasons to be recorded in writing the Court may require payment to be made for maintenance at higher rates than those prescribed.

VI.—The charges herein authorized for the maintenance of live stock shall be paid to the pound keeper by the attaching officer for the first fifteen days at the time the animals are committed

Act I of 1871

(Sale and attachment of moveable property)

to his custody, and thereafter for such further period as the Court may direct, at the commencement of such period Payments for such maintenance so made in excess of the sum due for the number of days during which the animals may be in the custody of the pound-keeper shall be refunded by him to the attaching officer

- VII — Animals attached and committed as aforesaid shall not be released from custody by the pound keeper except on the written order of the Court, or of the attaching officer, or of the officer appointed to conduct the sale, the person receiving the animals, on their being so released, shall sign a receipt for them in the register mentioned in rule III above
- VIII — For the safe custody of moveable property other than live-stock while under attachment, the attaching officer shall, subject to approval by the Court, make such arrangements as may be most convenient and economical
- IX — With the permission of the Court the attaching officer may place one or more persons in special charge of such property
- X — The fee for the services of each such person shall be payable in the manner prescribed in rule I. It shall not be less than ^{and shall not be more than three and} at its discretion allow in writing its reasons for allowing an exceptional rate
- XI — When the services of such person are no longer required the attaching officer shall give him a certificate on a counterfoil form of the number of days he has served and of the amount due to him, and on the presentation of such certificate to the Court which ordered the attachment, the amount shall be paid to him in the presence of the presiding Judge.
- XII — When in consequence of an order of attachment being withdrawn or for some other reason, the person has not been employed or has remained in charge of the property for a shorter time than that for which payment has been made in respect of his services the fee paid shall be refunded in whole or in part, as the case may be.
- XIII. — Fees paid into Court under the foregoing rules shall be entered in the Register of Petty Receipts and Repayments.
- XIV. — When any sum levied under rule IV is remitted to the Treasury, it shall be accompanied by an order in triplicate (in the form given as Form no 9 of the Municipal Account Code), of which one part will be forwarded by the Treasury Officials to the District or Municipal Board, as the case may be. A note that the same has been paid into the Treasury as rent for the use of the pound will be recorded on the extract from the Pass Book.
- XV — The cost of preparing attached property for sale, or of conveying it to the place where it is to be kept or sold, shall be payable by the decree-holder to the attaching officer. In the event of the decree-holder failing to provide the necessary funds, the

(Sale and attachment of moveable property.)

attaching officer shall report his default to the Court, and the Court may thereupon issue an order for the withdrawal of the attachment, and direct by whom the costs of the attachment are to be paid.

XVI.—Whenever guns or other arms in respect of which licenses have to be taken by purchasers under the Indian Arms Act are sold by public auction in execution of decrees by order of a Civil Court, the Court directing the sale shall give due notice to the Magistrate of the district of the names and addresses of the purchasers, and of the time and place of the intended delivery to the purchasers of such arms, so that proper steps may be taken by the police to enforce the requirements of the Indian Arms Act.

Guns or other
arms
Act XI of 1878

202. (1) The Nazir shall not take charge of any property that by reason of its bulk or otherwise cannot conveniently be kept in the *malkhana*. If arrangements cannot be made for the custody of such property by a *supurdadar*, the Nazir or peon shall refuse to attach it: provided that jewelry and such articles may be attached by the Nazir and kept in such manner as the presiding officer may direct.

Certain property
not to be kept by
Nazir.

(2) The attaching officer should be authorized by the Court to pay a reasonable rent to a *supurdadar* or other person on whose premises attached property is kept. Such rent may be in addition to any fee paid for taking charge of the property under paragraph 201(X).

203. The attachment and sale of opium, drugs, alcoholic liquors, poisons, articles of food, &c., shall be subject to any provision of law, whether general or local, for the time being in force in respect of the custody, sale, or disposal of such articles.

Attachment and
sale of certain
articles.

204. In respect of the proviso to O XXI, r. 43, no property shall be sold unless it strictly falls within the purview of the proviso. It can seldom happen that grain will be subject to such speedy and natural decay as to make its immediate sale necessary, nor again can the expense of storing grain as a rule be great.

Grain not ordinarily
to be sold at
once.

205.

Supurdadars.

public servant, may be prosecuted under section 166 or section 409 of the Indian Penal Code.

Act XLV of 1860.

He is not a receiver under Order XL but may be appointed one by the holder or *proprio iure* attaching officer, in which case of a receiver as described in O. XL, rr. 3 and 4.

205A. Under O XXI, r. 48(t), the Local Government has, by Notification no 1038/VII—197-1910, dated the 12th August, 1911, appointed the officers specified in Appendix F as the officers to whom notices of orders attaching the salary or allowances of persons employed in the United Provinces should be sent by Civil Courts in execution of decrees.

Officers to whom
notices of orders
attaching the salary
of persons should be
sent.

CONDUCT OF SALES IN GENERAL.

Nazir's register of attached property.

206. The Nazir shall keep a register in Form 8 of all attached property, whether in the custody of the Nazir or of a *supurddar*. At one end of this register shall be entered immoveable and at the other end moveable property. In column 14, the letter N shall be put against property in the hands of the Nazir and the letter S against that in the custody of a *supurddar*.

Nazir's monthly list of attached property.

207. Every month the Nazir shall put up before the presiding officer a list (Form 87) of attached property remaining in his hands or in the hands of a *supurddar*.

Place of sale.

208. Sales of immoveable property other than a proprietary interest in a mahal and of moveable property shall, as a rule, be conducted by the Nazir in front of the Court-house of the Court under whose orders the property is brought to sale:

Provided that the Court may, if it sees sufficient reason for so doing, order the sale to be held at the place of attachment:

Provided also that the Court may order a negotiable instrument or other valuable security to be sold through a Bank or otherwise.

Fee for sale of immoveable property at place of attachment.

209. When the sale is ordered to be held at the place of attachment, the Nazir may proceed in person to conduct the sale, but he will ordinarily depute one of the peons entertained under paragraph 212 to conduct the sale in his behalf. In every such case a fee of two rupees shall be deposited before the peon is deputed which amount will be returned to the depositor if the sale takes place or if it becomes unnecessary for the peon to proceed to the place where the sale was to have been held. In no other case shall a refund of this fee be allowed.

Date and time of sale.

210. Sales will ordinarily be commenced at noon on the chief market day of the week at the place where the Court ordering the sale sits. In the event of the Court ordering a sale to be held at the place of attachment, the Court shall fix the day of sale with reference to the market day at that place, or the nearest neighbouring place where a market is held.

Provisions as to purchase-money.

211. (1) The entire purchase-money, whether realized by the Nazir or payable by means of a tender, will be deposited in the Treasury as a Civil Court deposit.

(2) Except in a case governed by paragraph 200, out of the purchase-money so deposited, sale fees, at the rate of one anna in the rupee, will be credited to the Sale Commission Fund, by transfer under a repayment order, to be issued by the Court, on confirmation of a sale under O. XXI, r. 92, or, in case of a sale of moveable property, as soon as possible after the receipt of the deposit has been advised by the Treasury.

(3) In no case shall a file be consigned to the records until such transfer of fees to the Sale Commission Fund has been advised by the Treasury and noted on the file under the Court's signature.

Establishment.

212. In Courts to which no Nazirs are attached, the duties of the Nazir will be performed by the Naib Nazir, and if there be no Naib Nazir, by any other responsible official to be nominated by the presiding Judge.

(Conduct of sales in general—Execution by arrest and imprisonment)

In addition to the regular establishment attached to each Court, an establishment, not in excess of the scale mentioned below, may, if required, be entertained by District Judges for the Courts mentioned below —

For the Small Cause Court, City Lucknow	4 peons at	Rs 6 each
For each Subordinate Judge	3	" " 6 "
For each Munsif	3	" " 6 "

The salaries of these peons will be defrayed from the Sale Commission Fund, and officers will be responsible that no more peons than are necessary are appointed, and that the expenditure in no case exceeds the available income.

213. When permission has been given to a decree-holder to bid for property, the Court ordering the sale shall inform the officer appointed to conduct the sale whether there are any persons, in addition to the decree-holder, entitled to share in the sale-proceeds

Procedure when
decree holder is al-
lowed to bid.

214. When a decree-holder has purchased with the leave of the Court and there is any other person claiming under section 73, the requirements of O XXI, r. 77 (1), (2), r. 84 (1) and r. 85 shall be strictly complied with

Ditto

215. When a decree-holder has purchased with the leave of the Court and desires, as permitted by O. XXI, r. 72, to set off the amount due to him on the decree, and there is no other person claiming under section 73 and the purchase-money does not exceed the amount due to him on the decree and the costs of executing it, he shall not be required to make any payment under O. XXI, r. 77 (1), (2) or O. XXI, r. 84 (1), as the case may be

Procedure when
decree holder pur-
chases

Provided that in any case he shall forthwith pay the charge leviable by way of poundage

216. When a decree-holder has purchased with the leave of the Court and desires, as permitted by O. XXI, r. 72, to set off the amount due on the decree, and there is no other person claiming under section 73 and the purchase-money exceeds the amount due on the decree and the costs of executing it, he shall pay the excess in cash at the time of the sale

Ditto.

Provided that, if such excess be less than the charge payable by way of poundage, the sum to be paid shall be the amount of such charge

Provided also, in the case of immovable property, that if the excess be greater than twenty five per cent of the purchase-money the deposit of twenty-five per cent. only shall be required as authorized by O. XXI, r. 84 (1)

EXECUTION BY ARREST AND IMPRISONMENT.

217. (1) Intimation of the issue of a warrant for arrest of a Railway servant should in each case be sent to the Manager of the Railway Company. The bailiff or other process server should not apply to any official, whom he may suppose to be the immediate superior of the person for whose arrest he holds a warrant, but in the event of assistance being required for the execution of a warrant application should be made by the

For every arrest
arrestment
Arrest of—

(Execution by arrest and imprisonment)

process server to the officers, named in Appendix C, to whom summonses in civil suits should be sent for service, due regard being had to the occupation of the person to be arrested

(2) No warrant of arrest shall ordinarily be executed against any Government servant, until notice of the intended arrest has been given to the head of his office

Scale of allowances payable for subsistence of judgment debtors committed to jail.

218. The following scale of allowances payable for the subsistence of judgment debtors committed to jail in execution of decrees in the United Provinces is prescribed by the Local Government —

Europeans, first grade.

Covenanted and Commissioned officers of Government ;
Uncovenanted officials, whether Europeans or Eurasians,
holding gazetted appointments, and non official Europeans
and Eurasians of the upper class .. One rupee per diem.

Europeans, second grade.

All Europeans and Eurasians other than those enumerated as belonging to the first grade ... Eight annas per diem

Indians, first grade

Indians holding Government appointments whether gazetted or not, on salaries of not less than Rs 100 per mensem non-official Indians of the upper class .. Eight annas per diem

Indians, second grade

All Indians other than those enumerated as belonging to the first grade .. Ten annas per diem.

Provided, in the case of Indians of the second grade that the Court committing the judgment debtor to jail may, when the price of flour exceeds fourteen seers per rupee, direct that the allowance be proportionately increased (Notification no 605A dated the 1st October 1877)

Advances to be sent by Court to jail

219. When a judgment debtor is sent to prison, the Court shall forward, at month's must be the amount due for the entire month must under O. XXI, rr. 33(1) to 33(4) be paid to the officer in charge of the jail before the first day of each month.

Clothing and bedding of civil prisoners

220. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary. When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative is liable under section 33 of the Prison Act to pay to the Superintendent, on demand the cost of the clothing and bedding so supplied to the prisoner. In default of such payment the prisoner will be released

(Execution by arrest and imprisonment)

The following scales are prescribed by Government for the clothing and bedding of civil prisoners —

FOR EUROPEANS AND EURASIANS

1st class civil prisoners

	Price.		
	Rs	a	p.
2 blankets at Rs. 3 each ..	6	0	0
1 flannel shirt ..	3	8	0
2 cotton shirts ..	2	0	0
2 trousers ..	2	0	0
1 pair of shoes ..	2	8	0
1 coat ..	2	8	0
Total ..	18	8	0

2nd class civil prisoners

	Price.		
	Rs.	a	p
3 blankets at Rs 2 each ..	6	0	0
1 flannel shirt ..	1	8	0
2 cotton shirts ..	1	0	0
2 trousers, cotton ..	1	0	0
1 pair of shoes ..	1	8	0
1 coat ..	1	0	0
Total ..	10	0	0

FOR INDIANS

For summer.

	Price.		
	Rs	a	p
1 blanket ..	2	0	0
1 tat bed ..	0	8	0
1 coat ..	0	6	6
1 topi ..	0	0	6
2 dhotis ..	1	2	0
Total ..	4	1	0

For winter.

	Price		
	Rs	a	p
2 blankets ..	4	0	0
1 tat bed ..	0	8	0
1 quilted mirzai ..	1	0	0
1 do topi ..	0	1	6
2 dhotis ..	1	2	0
Total ..	6	11	6

221. Whenever a judgment-debtor is released from jail, the warrant for his detention should be returned by the jailor to the Nazir of the Court, from which it issued, with the date and cause of release noted thereon. The Nazir, after noting the date of release in his register, will lay the warrant before the Court.

Warrant to be
returned to Court on
release.

CHAPTER V.

Probate and Administration.

CONTENTS OF CHAPTER.

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DUTIES OF A DISTRICT JUDGE IN RESPECT OF THE PROPERTY OF PERSONS DYING WITHIN HIS JURISDICTION.

Property of deceased Hindus and Muhammadans
Act XIX of 1841

222. The right of interference with the property of deceased Hindus and Muhammadans in Oudh is confined to action taken under Act XIX of 1841 [the Succession (Property Protection) Act]. Upon the application of a person under section I of this Act the District Judge may deliver possession of the property after a summary determination as to the right to possession or may, pending such determination, authorize a curator to take possession. He must however be satisfied—

- that the party in possession or taking forcible means for seizing possession has no lawful title,
- that the applicant, or the person on whose behalf he applies is really entitled and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and
- that the application is made *bona fide*.

Regulation V of 1799 does not apply to Oudh

223. Regulation V of 1799 does not apply to Oudh and consequently District Judges of Oudh are not empowered under section 5 of that Regulation to appoint an administrator for the care of the estate of a person dying intestate. The personal property of such persons may be taken charge of by the police under section 25 of the Police Act and dealt with under the Magistrate's order.

Act V of 1881.

Property of others than Hindus and Muhammadans, &c.

224. In the case of a person other than a Hindu, Muhammadan, Buddhist, &c., a District Judge can proceed either—

- under section 64 of Act II of 1874 (the Administrator General's Act),
- under section 239 of Act X of 1865 (the Indian Succession Act), or
- under Act XIX of 1841 [the Succession (Property Protection) Act]

ACT II OF 1874 (ADMINISTRATOR GENERAL'S ACT).

District Judge

225 In respect of (a) and (b) of the preceding paragraph the following views of the Administrator General stated in his letter no. 12010, dated 31st August 1910, to the District Judge of Lucknow are communicated for the information of District Judges—

Under section 64 of Act II of 1874 all District Judges are bound in those cases falling within the provisions of the section to—

- report deaths, and

(Act II of 1874—Act XIX of 1841.)

- (11) on the lapse of a month from date of death to retain the property under their charge or appoint an officer as therein provided until either the Administrator General has obtained administration or some other person has obtained such letters or a certificate. The section covers the cases of those persons who have left wills as also of those who have died intestate. It is also imperative. At the same time it is the practice of District Judges to give every latitude to persons interested, and the Administrator General ordinarily, if it is reported that relations are about to take steps, takes no action until it is certain that they do not intend moving. In cases however when it is clear that an attempt is being made by an executor to deal with an estate without proving the will, it is the bounden duty of District Judges to protect the revenue in the way of duty and to take prompt action under sections 237 and 239 of the Succession Act and also under section 64 of Act II of 1874. The Government have now before them for consideration the amendment of the Administrator Generals Act and some modification or alteration of section 64 is possible.

ACT XIX OF 1841 [THE SUCCESSION (PROPERTY PROTECTION) ACT]

226. The following forms are prescribed for use in cases under Act XIX of 1841 —

Forms prescribed
for use in cases
under Act XIX of
1841

Form of engagement of curator

I, A B, having been appointed by the Judge of the district of _____, under the provisions of Act XIX of 1841, to take temporary possession of the property of the late C D, do hereby solemnly promise and engage diligently and faithfully to discharge the trust committed to me, and to act in every respect according to the instructions given me, and to the best of my judgment for the interests of the proprietors. I also promise to obey all orders of the Judge regarding the institution or the defence of suits concerning or connected with the property committed to my charge. I further promise and engage to give acquittances for all sums of money collected by me, or debts or rents on account of the estate of the said C D and to render a true and just account for whatever may be received by me on account of the said estate, filing at the earliest practicable period an inventory of the property received by me and also monthly to the Judge's office accounts in abstract, and at the end of every three months and on giving up possession of the property, accounts in detail of my administration of the said property. I further promise and engage to adhere strictly to such laws as may be passed for the guidance of curators by the Governor General in Council and to such orders as I may receive from the Judge, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me beyond the allowance granted to me as stated in my *sanad* of appointment.

A B.

Form of security bond

Whereas A B has been appointed by the Judge of the district of _____, under the provisions of Act XIX of 1841, to take possession of the property of C D, deceased, I, E. F., do hereby engage

(Act XIX of 1841—Act X of 1865 and Act V of 1881)

and brod myself to the said Judge and his successors in office to stand security, and to be answerable for the faithful discharge of his trust by the said A. B. agre able to the terms of his said of appointment a copy of which has been duly delivered to me I also bind my self, my heirs and succes ors to the said Judge and his successors in office not to sell give or otherwise transfer or dispose of the property mentioned in the annexed schedule, which I hereby pledge for the purposes of this engagement, until the conditions thereof have been completely fulfilled.

E F

SCHEDULE OF PROPERTY.

(To follow here)

Form of Sanad.

Sanad to A B

Whereas you, A B, have been appoint d under the provisions of Act XIX of 1841, to take t mporary possession of the property of the late C D you shall diligently and faithfully discharge the trust committd to you, and act in every respect according to the instructions given you and to the best of your judgment for the interests of the proprietors you shall obey all orders of the Judge regarding the institution or the defence of suits concerning or connected with the property committed to your charge You shall further receive payments of d bts and rents due to the estate of the said C D until otherwise ordered such powers of collecting debts to cease on the granting of a certificate or of probate or letters of administration to the estate of the said C D and you shall give acquittance for all sums of money collected by you ns debts or rents, on account of the estate of the said C D and you shall render a true and just account of whatever may be received by you on account of the said estate, hling it as early a period as practicable in inventory of the property received by you and also monthly in the Judges office accounts in distinct and nt the end of every three months and on giving up possession of the property accounts in detail of your administration of the said property You shall further adhere strictly to such laws as may be passed for the guidance of curators by the Governor General in Council and to such orders as you may receive from the Judge and you shall derive no personal advantage whatever directly or indirectly from the trust committed to you beyond the allowance hereby granted to you of five per cen' on the personal property and on the annual profits of the real property placed under your charge and you shall exercise the pow r of curator under this sanad until the d termination of the summary suit now pending resp cing the right to possession of the said property or until otherwise ordered by this Court

SCHEDULE OF PROPERTY PLACED UNDER CURATOR

(To foll w h r)

ACT V of 1865 (THE INDIAN SUCCESSION ACT) AND
ACT V of 1881 (THE PROBATE AND ADMINISTRATION ACT)

227. Under section 52 Act V of 1881, Subordinate Judges in Oudh have been appointed District D l gates to grant probates and letters of administration in non-contentious cases within the local limits of their territorial jurisdiction.

District Delegates
appointed under Act
V of 1881.

(Act X of 1865 and Act V of 1891.)

Act X
of 1865
Act V
of 1891

228. (a) With reference to sections 246 and 246A of the Indian Succession Act and sections 64 and 65 of the Probate and Administration Act, in cases where application is made for a limited grant *durante minore ætate*, the Court to which such application is made shall require the applicant for the grant to state in his petition the age of the minor, and to verify such statement by affidavit

Application for letters of administration during minority.

Act VII
of 1870.

Copy of valuation of property of deceased filed by applicant for probate, etc., to be sent to Collector

Schedule of property, beyond limits of Province, affected by probate, etc., to be appended to grant.

limits of the
the value of the
by the grant

Form of Administration Bond

229. The following form of Administration Bond may be used under section 256 of Act X of 1865 and with necessary changes under section 78 of Act V of 1891.—

We, A. B. of _____, C. D. of _____, and E. F. of _____, are bound unto G. H., Esq., the Judge of the District Court of _____, and to his successors in office in the sum of rupees (*double the amount of the assets likely to come to the administrator's hands*), to be paid to the said G. H. or the Judge of the said Court for the time being, for which payment we bind ourselves and each of us and any two of us and the heirs, executors and administrators of us and of each of us and of any two of us jointly, severally, and respectively.

Dated the _____ day of _____ 19 _____.

The engagement of this bond is such that if the above-named A. B., the person appointed by the above named G. H., Esq., under the Indian Succession Act, 1865, to be the administrator of the estate of I. K., late of _____, deceased, who died on the _____ day of _____, 19 _____, do make a true inventory of all the estate of the said deceased which has or shall come to his possession,

law (that is to say) do pay the debts which he owed at his decease, and further do render a true account of his said administration whenever by law required so to do, and all the residue of the said estate, do pay unto such person or persons as shall be entitled thereto under the said Act, and if it shall hereafter

A. B.
C. D.
E. F.

Signed by the said A. B., C. D. and E. F. in the presence of

(Act X of 1865 and Act V of 1881.)

Rules framed by Local Government under section 259 of Act X of 1865 and section 81 of Act V of 1881.

230. The rules made by the Local Government under section 259 of Act X of 1865 (the Indian Succession Act) and section 81 of Act V of 1881 (the Probate and Administration Act) for the preservation and inspection of wills filed in the Courts of District Judges, and issued as Notification no. 114/VII—558-B, dated the 1st February 1895, in the Judicial (Civil) Department, are as follows:—

Custody of wills.

1. Every will filed in the Court of a District Judge for the purpose of an application for the grant of a probate or of letters of administration with the will annexed shall, except as hereinafter provided, remain in the custody of the District Judge in whose Court it has been filed, and shall be preserved by him in the manner hereinafter mentioned:

Provided that it shall be lawful for such District Judge upon a requisition from any Court for the production of such will in such Court in a case pending in Court to forward such will in a sealed packet in the custody of a responsible officer to such Court for production in such pending case. The officer to whom such will is entrusted for such production shall deliver the sealed packet containing the same to the presiding Judge of such Court, and such presiding Judge shall thereupon take all needful precautions for the safe custody and preservation of such will until he has returned the same in a sealed packet to the officer to whom it was entrusted for production, who shall deliver such last mentioned sealed packet to the District Judge in whose Court the will was filed for the purposes of the application for the grant of probate or such letters of administration. No District Judge shall comply with any such requisition except on receipt of a sum sufficient to cover all necessary expenses.

Certified copy of will to be placed on record.

2. When any such will is filed for the purpose of an application for the grant of probate or letters of administration, an officer appointed for the purpose by the District Judge shall endorse upon it a serial number and a reference to the application, and shall cause a copy of the said will to be made, and after such copy has been examined by the Munasari and found by him to be a true copy, the Munasari shall endorse on such copy a certificate under his hand that the copy is a true copy, and shall place with the record the copy so certified, as aforesaid, and the will shall thereupon be placed and preserved in a fire-proof box, which shall be kept in the Court room or the private room or the record room of the District Judge's Court as the District Judge may direct.

The fire-proof box in this rule mentioned shall be a box other than the fire-proof box mentioned in section 43 of Act III of 1877 (now XVI of 1905).

Removal of will from safe.

3. No such will which has been placed for preservation in such fire-proof box shall be removed therefrom except under an order in writing of the District Judge made for the purpose of—

- (a) complying with a requisition within the meaning of the proviso to rule (1);
- (b) its being produced in Court on the hearing of the application for the purpose of which it was filed, or on the hearing of an application for the revocation of a grant of probate or of letters of administration with the will annexed, or on the hearing of a case in the District Judge's Court in which it is necessary to put such will in evidence;

(Act X of 1865 and Act V of 1881.)

(c) its being copied under the rules relating to the making of copies applicable to the Court, or

(d) an inspection of such will.

4 A special register of wills filed for the purposes of applications for the grant of probate or letters of administration with the will annexed shall be kept in English by each District Judge in the form prescribed by these rules, and shall bear the heading "Register of wills filed in applications for the grant of probate or letters of administration with the will annexed"

Register of wills

5 In the register mentioned in rule 4 shall be entered the particulars indicated by the headings of the columns.

Ditto

An alphabetical index shall be prepared at the end of each year to the entries in the register and such index shall be attached to the register.

6. The District Judge may, upon an application in writing, for inspection of the register ^{and} or of any will mentioned in such register, make an order permitting the inspection of the same. Provided that no such order shall be made unless in such application are set forth the names, residences and occupations of the applicant and of the person or persons, if any, to be present on his behalf at the inspection, and the reasons for which an order for inspection is desired, and in the case of an application for the inspection of a will unless the application be accompanied with a fee of Rs. 1

Inspection of register

7. The order for inspection shall state the date on which the inspection may be had. No inspection shall be allowed under these rules except between the hours of 11 a m and 3 p m, or otherwise than in the presence of the District Judge or of the Munsarim of his Court as the District Judge shall direct. No person inspecting a will under these rules shall be permitted during the inspection to have in his possession or have access to a pen and ink, or to write anything whatsoever, or to make any erasure or mark in the register or on the will, but a person so inspecting may be permitted to make notes in pencil on a separate paper.

Hours of inspection.

8 All fees realized under rule 6 shall be credited to the Judicial Record Fund.

Crediting of fees.

FORM OF REGISTER.

(Heading)

Serial number of will	Number of file in the Court register which relates to the will	Date of execution of the will	Date of grant of probate or of letters of administration with the will annexed	Person to whom probate or letters of administration with will annexed granted	Date of inspection of will	Person by whom will inspected	Whether inspection held in presence of District Judge or Munsarim	Fees realized on inspection	Remarks
1	2	3	4	5	6	7	8	9	10

(Act X of 1865 and Act V of 1881—Act VII of 1889)

Inventory and account to be exhibited by an Executor or Administrator under Act X of 1865 or Act V of 1881

231. The inventory and account to be exhibited by an Executor or Administrator under section 277, Act X of 1865, or section 93, Act V of 1881, shall be in Forms 84 and 85, respectively, and shall be verified in the manner following—

"I, _____, the Executor (or Administrator) named in the above inventory, do hereby declare that the said inventory is in every respect true, perfect and correct to the best of my knowledge, information and belief, and that the same contains a full, true and perfect inventory of all the property in the possession of the deceased _____ at the date of his death, and of all credits owing to him, and of all debts owing by him; or "I, _____, the Executor (or Administrator) named in the above account, do hereby declare that the said account is true, perfect and correct to the best of my knowledge, information and belief and that it gives a full, true and perfect account of all the estate and effects of the deceased _____ which has or have come into my hands in possession, power, control, custody or knowledge, and of the disposition of the same

Every such inventory or account and verification shall be subscribed by the Executor or Administrator in the presence of the Registrar of the Judicial Commissioner's Court, or of the District Judge, or of some Justice of the Peace

ACT VII OF 1889 (THE SUCCESSION CERTIFICATE ACT)

Notice of application for grant of Succession Certificate

232. (1) Under section 7(1)(b) Act VII of 1889, notice of application for grant of a certificate shall be given—

- (1) by posting a proclamation on the notice board of the Court,
- (2) by posting a duplicate thereof on the house of the deceased,
- (3) by beat of drum in the *mohalla* of the town or village in which the deceased last resided

The sum of one rupee in cash shall be tendered with every such application to cover the expense of procuring the notice by beat of drum

Meaning of "sum tendered on"

(b) The words "shall proceed to decide in a summary manner" occurring in section 7(1) have been held (see Oudh Cases, Volume XIV, page 53) to justify a Court in refusing to receive evidence or frame issues on any question of law or fact that the Court has reason to anticipate will prove so intricate, difficult or contentious as to render the determination thereof incompatible with the short inquiry and rapid decision contemplated by the Act

Sub-Judges Invested with functions of a District Court under Act VII of 1889

233. Under section 26(1) of the Succession Certificate Act (VII of 1889) the Lieutenant Governor has been pleased to invest all Subordinate Judges in Oudh with the functions of a District Court under the said Act within the local and pecuniary limits of their ordinary jurisdiction as Subordinate Judges

CHAPTER VI.

Rules relating to certain Acts of the Legislature.

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Note.—For rules under Act V of 1909 see Chapter II, and for rules under Acts other than Act V of 1909 and the above mentioned Acts, see Chapters V and VII

ACT XII OF 1850 (THE PUBLIC ACCOUNTANTS' DEFAULTS ACT)

234. Sections 1 and 2 of Act XII of 1850 require that security shall be taken from every Public Accountant. Section 3 defines the term "Public Accountant," which includes the following officers from whom security must invariably be taken to the following amounts —

	Rs
1 Munsarims of Courts of District Judges Subordinate Judges and Small Cause Court Judges	500
2 Munsarims of Munsifs Courts	250
3 Central Nazars	1,000
4 Nazir Judicial Commissioner's Court	500
5 Nazirs of Courts of Subordinate Judges and Small Cause Court Judges	500
6 Bailiffs of District Judges Court, Lucknow and Judge, Small Cause Court City Lucknow	100
7 Nazirs of Munsifs Courts	250
8 Deputy and Assistant Nazirs	250
9 All Sale Commission Fund peons	25
10 All process servers	20

see office sanction of the Judicial Commissioner obtained through the District Judge. Court thinks that the amount with respect to any particular it may be enhanced with the

235. Any Court may, with the previous sanction of the Judicial Commissioner, demand security from any officer under its control other than those mentioned in paragraph 234 who may be entrusted with the care of money

236. The presiding officer of each Court shall see that ordinarily no sum exceeding the amount of the security taken under the last two paragraphs be left in the hands of any officer subordinate to the Court

237. The security may be either in Government promissory notes or in cash or where the security is not less than Rs. 100 in landed property (exclusive of house property)

Security to be taken from Public Accountants

Other persons

No officer to retain more money than the amount of his security

Nature of security

(Act XII of 1850.)

Retention of
security.

238. In order to provide against cases in which discovery may be made, after the official has vacated his office, of defalcations made prior to such vacation of office, the security deposited by him shall be retained by the District Judge for six months after the official has vacated his office.

Investment
cash

239. When cash is deposited it shall be invested in Government promissory notes (small sums being deposited in the Savings Bank).

Form of bond.

240. The following form of bond shall be invariably used:—

Know all men by these presents that A. B., principal, of (C. D., 1st surety of and E. F., 2nd surety of) are held and firmly bound unto the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State in Council, his successors, or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators and representatives.

Sealed with our seals this day of 19 .

Whereas the above bounden was on the day of 19 , appointed to and now holds and exercises the office of , and whereas by virtue of such office the said has amongst other duties the care of, and responsibility for, the safe and proper storing and keeping, in the places appointed for the custody thereof (here detail money, Government currency notes, stamps, goods, chattels, or effects stored and received at), and whereas the said is bound, whenever called upon so to do, to show to his superior officer that the said property is at all times intact in the places aforesaid, and is bound to keep true and faithful account of the said property; and whereas the said , in consideration of his said appointment (has delivered to and deposited with cash to the extent of Rs.) or (has delivered to and deposited with and endorsed to Government securities to the extent of Rs. as set forth in the schedule hereunder) or (has mortgaged and hypothecated the landed property hereunder set forth) for the purpose of in part securing and indemnifying the said Secretary of State in Council his successors and assigns, against all loss and damage which he or they might suffer by reason of the said property or any part being wasted, embezzled, stolen, mispent, lost, dishonestly, negligently or otherwise by himself the said , and

Whereas the said A. B. (and the said C. D. and E. F. as his the said A. B.'s sureties) have entered into the above bond in the penal sum of conditioned for the due per-
said office aforesaid and
may lawfully be required
State for India in Council against loss from the acts or defaults of the said

Now the condition of the above written bond is such that if the said A. B. has whilst he has held the office of always duly performed and fulfilled the said duties of the said office and other the duties aforesaid, and (if he, the said C. D. and E. F.) shall indemnify the said Secretary of State for India in Council from all and every loss and damage which during the time the said A. B. has held, executed, and enjoyed the said office has happened, then this obligation be void and of no effect, otherwise the same shall be and remain in full force and virtue:

(Provided always, and it is hereby agreed and declared, that neither of them the said C. D. and E. F. shall be at liberty to terminate their suretyship except upon giving to the District Officer for the time being of the

(Act XII of 1850.)

Government of six calendar months' notice in writing of his and their intention so to do, and their joint and several liability under this bond shall continue in respect of all omissions and defaults on the part of the said A B until the expiration of the said period of six months)

And it is hereby lastly agreed and declared by and between the said A B, (and the said C D. and E. F. as his the said A B's sureties) and the said Secretary of State that on the vacation by the said A. B. of his said office of the above-named (moneys where cash is deposited) (securities where promissory notes are deposited) shall not be returned to him, but shall be and remain with the said District Judge for the term of six months ended by the Secretary default of the said A B, after the vacation of his appointment by the said A. B.:

Provided always that the return at any time of the said (moneys or securities as the case may be), in case any breach of the conditions of the said bond shall be discovered after the return of the said (moneys or securities as the case may be) shall not be deemed to affect the right of the said Secretary of State to take proceedings upon the said bond against the said A B (principal and his sureties C. D. and E. F.)

241. When leave is granted to a public accountant, the District Judge shall, as far as possible, arrange that the vacancy is filled by the appointment of an official by whom security has already been given in his former office and who is a person of approved character.

Officiating public accountants.

242. When an official furnishes the security required of him by the deposit of Government promissory notes or cash, or by the hypothecation of landed property, and executes the bond appertaining thereto, he shall not be required to find sureties also. In the bond executed in this case the portions of the bond which relate to sureties should be omitted.

Official depositing Government promissory notes need not find sureties.

Form of bond in such case.

When the security furnished is of any other description, there shall ordinarily be two sureties approved by the District Judge

243. The security bond is exempted from stamp duty by clause (c) of exemptions to article 57, Schedule I of the Indian Stamp Act, 1899, and by Notification of the Government of India no 2697S-II, dated the 7th June 1899:

Security bond exempted from stamp duty Act II of 1899

244. All security bonds shall be registered, whether or not registration be compulsory under the law for the registration of documents, and, if the form part of a mahal the mortgage shall be in the taluk in which the mahal is situated

Security bond to be registered.

245. All security bonds of officers shall be placed for safe custody in the Collector's Treasury at the headquarters of the District Judge.

Custody of bond.

246. In the first week of each calendar year the presiding officer of each Court, and the Registrar, Judicial Commissioner's Court, will inquire into the sufficiency of the security given by each public accountant in his office, and where it appears to have deteriorated from any cause, will require fresh or additional security to be given. A mortgage security may be considered sufficient if it is a first mortgage of immovable property situate in British India provided that the property be not a leasehold for

Annual inquiry.

(Act XII of 1850—Act XXXVI of 1858—Act IV of 1869—
Act X of 1873)

a term of years, and that the value of the property exceeds by one third or, if consisting of buildings, exceeds by one half, the amount secured

Military pensioners.

247. Process servers who are military pensioners are not exempted from the operation of the above rules

Register of securities

248. District Judges shall keep up a register of securities in Form A given below, which shall be kept with the bonds in the Treasury of the head quarters of the District Judge, and shall note in general terms without details in their annual report on the administration of Civil Justice that this has been done District Judges will be held personally responsible if loss is suffered in consequence of the neglect of these orders Columns 4 and 7 should contain full particulars as to the pecuniary responsibility of the public accountant and his sureties and the nature and value of the security offered

FORM A — Register of securities taken from public accountants

District	Office held by public accountant	Name of public accountant and pay of office	Maximum amount ordinarily in his hands at any one time	Amount of security demanded	Date of security bond	Character of security with opinion of District Judge
1	2	3	4	5	6	7

Statement to accompany order for the reception of patient into lunatic asylum

ACT XXXVI OF 1858 (THE INDIAN LUNATIC ASYLUMS ACT)

249. When a District Judge makes an order under section 8 of Act XXXVI of 1858 for the reception of any person into a lunatic asylum he shall, as far as is possible from the materials before him fill up a statement in the prescribed form (see Form no. 111 of forms prescribed by United Provinces Government) and forward it with his order

Confirmation of decree for dissolution of marriage by High Court

ACT IV OF 1869 (THE INDIAN DIVORCE ACT)

250. Sections 17 and 20 of Act IV of 1869 shall be confirmed for dissolution of marriage shall be confirmed months from the pr

The records of all suits in which a decree for dissolution of marriage or of nullity of marriage has been made by a District Judge shall be forwarded within three months from the date of the decree to the High Court and the decree holder shall be informed that he must within this period apply to the High Court for confirmation of the decree.

Oaths and affirmations

ACT X OF 1873 (THE INDIAN OATHS ACT)

251. The following forms of oaths and affirmations are prescribed by the Judicial Commissioners under section 7 of the Indian Oaths Act, 1871 —

Oath for witness — The evidence which I shall give to the Court shall be the truth, the whole truth, and nothing but the truth So help me God

(Act X of 1873—Act XIII of 1879)

Affirmation for witness—I solemnly affirm that the evidence which I shall give to the Court shall be the truth, the whole truth, and nothing but the truth

Oath for interpreter—I will well and truly interpret what is deposed by the witness (or witnesses) before the Court So help me God

Affirmation for interpreter—I solemnly affirm that I will well and truly interpret what is deposed by the witness (or witnesses) before the Court

Oath for person making affidavit—I swear that this my declaration is true, that it conceals nothing, and that no part of it is false So help me God

Affirmation for person making an affidavit—I solemnly affirm that this my declaration is true, that it conceals nothing, and that no part of it is false

 ACT XIII OF 1879 (THE OUDH CIVIL COURTS ACT)

252. Whenever an Additional Judge in charge of a District Judge's office under section 252 shall forthwith report such assumption of duties to the District Judge and the District Judge shall report the same to the Judicial Commissioner.

Temporary as
assumption of Dis-
trict Judge's duties
to be reported

253. The annexed rules for the admission of petition writers within the precincts of Civil Courts in Oudh which have received the sanction of the Lieutenant Governor under section 36, Act XIII of 1879, are published for information and guidance—

Petition writers

1 No one shall be allowed to practise the writing of petitions for hire within the precincts of a Civil Court without permission from the presiding officer of a Court having authority to grant permission under these rules

2 In the case of several Courts sitting at the headquarters of a district, permission to practise shall be given only by the senior Court

Provided that the Judges of the Small Cause Courts in the Cantonments of Lucknow and Fyzabad shall grant permission for their own Courts and permission to practise in the Court of an Honorary Munsif shall be given only by the District Judge on the recommendation of the Honorary Munsif

3 Persons wishing to practise as petition writers within the precincts of a Court must present a petition (bearing a Court fee stamp prescribed for petitions to such Court) to the presiding officer of the Court which has authority to give permission

4 The number of petition writers licensed to practise shall not exceed the number fixed from time to time by the Judicial Commissioner

5 Permission shall not be given unless the applicant shows—

- (1) that he is of respectable character,
- (2) that he can draw up a clear straightforward petition, plaint or memorandum of appeal and
- (3) that his handwriting is easily legible

(Act XIII of 1879.)

6. Permission, when given, shall be endorsed upon the application with the following conditions to which it shall be subject :—

- (1) that the petition writer shall sign each petition or paper drawn up by him, and
- (2) that he shall comply with the order of any Court as to the amending or redrafting of a petition or other paper drawn up by him.

7. On permission being given, the Court will be authorized to grant to each accepted candidate a license in the Form A annexed to these rules.

8. Every licensed petition writer shall, on the first day of August in each year, or, if the Court is closed on that day, on the day on which it re-opens, produce his license for the inspection of the Court which granted it. A note of such production will be endorsed on the license under the signature of the presiding officer.

9. Permission to practise may be revoked by the Court which granted it—

- (a) on the ground that the petition writer removed has not attended the Court regularly;
- (b) on the ground that the petition writer removed has become a legal practitioner's clerk, or has taken up some other employment;
- (c) on the ground that the petition writer removed has failed to produce his license for the annual inspection of the Court as required by rule 8 ;
- (d) on the ground that the petition writer is a tout, as defined in the Legal Practitioners Act ;
- (e) for any other good cause to be recorded by the Court revoking the permission.

10. No petition writer shall, without the permission of the presiding officer, enter any room in a Court in the precincts of which he is entitled to practise.

11. Nothing in these rules authorizes any Court to refuse to take a petition, plaint or other paper merely on the ground that it is not written by an authorized petition writer. Persons seeking the aid of Courts are free to get their petitions written how and where they please.

FORM A [PARAGRAPH 253(7)].

IN THE COURT OF THE _____ JUDGE
MUNSHI OF _____.

CERTIFIED that _____, son of _____, resident of _____, has this day been licensed as a petition writer and is hereby permitted to practise as such in the Courts of _____ subject to the provisions of the rules made under section 36, Act XIII of 1879.

Judge
Munshi

(Seal.)

Dated _____ 10 .
66

ACT VII OF 1887 (THE SUITS VALUATION ACT).

254. In supersession of Notification no. 779, dated the 18th June 1889, the Judicial Commissioner, with the previous sanction of the Valuation Act, directs that for the purposes of the subject-matter were of the value hereinafter stated:—

Valuation of units

I.—(1) Suits in which the plaintiff sues the other party to an alleged marriage, either alone or with other defendants, for restitution of conjugal rights;

(11) Similar suits to establish, annul, or dissolve a marriage :

(m) "ship (including minor,"

(iv) . . . customary right of an heir:

Value :-

(a) For the purposes of the Court-fees Act—

Suits of class (1), Rs 100

Suits of classes (u) and (iii), Rs. 200:

Suits of class (iv). Rs. 400.

(b) For the purposes of the Suits Valuation Act, 1887, such sum exceeding Rs 500 and not exceeding Rs 1,000 as the plaintiff shall specify in the plaint.

Explanation —

(1) Classes (i) and (ii) do not include petitions under any special Act relating to the dissolution of marriage.

(2) Class (iii) does not include proceedings under the Guardians and Wards Act (VIII of 1890).

11—Suits for a declaration that an alienation of immovable property made by a person alleged to have only a restricted power of alienation becomes void on such person's death or after some other determinate period

Value.—

(a) For the purposes of the Court-fees Act, 1870, as determined by that Act

(b) For the purposes of the Suits Valuation Act, 1887,

(1) when the alienation is by a written instrument which declares the value of the interest purporting to be created, or the amount of the consideration for which the alienation is made, such value or amount.

(2) in other cases, the market value at the date of institution of the suit of the property alienated subject in either case to the provisions of Part I of the Suits Valuation Act, 1887, and of the rules in force under the said part, so far as those provisions are applicable.

*Explanation:—*When the property alienated is a right of occupancy in land, the value shall be deemed to be half the value of the land detached from such right of occupancy.

(Act VII of 1887.)

III.—Suits for account only, not being suits for such amount as may be found due on liquidation of accounts, and suits for account and administration as described in O. XX, r. 13 of the Code of Civil Procedure

Value:—

- (a) For the purposes of the Court-fees Act, 1870, as determined by that Act;
- (b) For the purposes of the Suits Valuation Act, 1887, such amount exceeding Rs. 100 and not exceeding Rs. 500, as the plaintiff may state in the plaint.

IV.—Suits for a declaration (whether or no an injunction or damages has also claimed) that any of the following rights exists or does not exist, namely:—

- a right of way;
- a right to open or maintain or close a door or window or a drain or a watershoot (*parnala*),
- a right to or in a watercourse or to use of water;
- a right to build or raise or alter or demolish a wall or to use an alleged party-wall or joint staircase.

Value:—

- (a) For the purposes of the Court-fees Act, 1870, as determined by that Act.
- (b) For the purposes of the Suits Valuation Act, 1887,
 - (1) if damages are not claimed, such amount exceeding Rs. 100 and not exceeding Rs. 500, as the plaintiff may state in the plaint,
 - (2) if damages are claimed, the amount of such damages increased by Rs. 100.

V.—Suits in which the plaintiff in the plaint seeks to set aside an award and applications to file in Court an agreement to refer to arbitration or an award in a matter referred to arbitration without the intervention of a Court under paragraphs 17 and 20 of the Second Schedule of the Code of Civil Procedure, when or so far as the award or the agreement relates to property.

Value:—

- (a) For the purposes of the Court-fees Act, 1870, as determined by that Act;
- (b) For the purposes of the Suits Valuation Act, 1887, the market value of the property in dispute, subject to the provisions of Part I of the Suits Valuation Act, 1887, and of the rules in force under the said Part, so far as those provisions are applicable.

VI.—The foregoing rules are subject to the following explanation:—

Subject to rule III, a suit falling within any of the above descriptions shall not be deemed to be excluded therefrom merely by reason of the plaintiff seeking other relief in addition to that described in any of the foregoing rules.

(Act VII of 1887—Act VIII of 1890.)

255. In cases where the rules made by the Judicial Commissioner under section 9, Act VII of 1887 (see the preceding paragraph), modify the provisions of the Court-fees Act, VII of 1870, the former must be followed. These cases are given below:—

*Oudh Rules.**Court-fees Act.*

- | | |
|---|---|
| <p>(i) For establishing, annulling or dissolving a marriage, Rs 200= Rs. 15.</p> <p>(ii) For custody or guardianship of a minor, Rs. 200=Rs. 15.</p> <p>(iii) For annulling an adoption Rs. 400=Rs. 30.</p> | <p>Schedule II, article 17, vi. Where it is not possible to estimate at a money-value the subject-matter in dispute, Rs 10.</p> <p>As above, Rs. 10.</p> <p>Schedule II, article 17, v. To set aside an adoption, Rs. 10.</p> |
|---|---|

Valuation of suits

ACT VIII OF 1890 (THE GUARDIANS AND WARDS ACT).

256. Whenever the petition made under section 10 of Act VIII of 1890 states that the property of the minor consists of land or any interest in land, a copy of the petition shall be sent free of charge to the Collector of the district in which such property or any part of it is situate.

Section 10

257. When the Court does not allow out of the estate the costs of an application made by the Collector of the district under section 8 of Act VIII of 1890, the Court shall record the special circumstances in consequence of which it has not allowed such costs out of the estate.

Section 8.

258. The following form shall be used for appointments or declarations of guardianship for property made under section 7 of Act VIII of 1890 in cases in which a person other than the Collector or a guardian appointed by will or other instrument is appointed to be the guardian of the property of a ward:—

Form of appointment of guardian

Form of appointment under section 7 of Act VIII of 1890.

Whereas this Court has, under the provisions of section 7 of Act VIII of 1890 been pleased to appoint you A. B (or to declare you A. B to be) guardian of (*the property, or the person and property*) of C. D. during the period of his minority, to wit, till the day of the month of 19 subject to the provisions contained in the Act and particularly those provisions contained in sections 32, 39 and 40 of the Act aforesaid, you are hereby authorized to take charge of the property of the minor in trust, to collect and pay all just debts, claims and liabilities due to or by the estate of the minor, to institute or defend suits connected with that estate, and generally to do and perform all acts which may be necessary to the due discharge of the trust vested in you, provided always that you shall not mortgage, or charge or transfer by sale, gift, exchange or otherwise, any part of the immoveable property of your ward, or lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which your ward will cease to be a minor, without the express sanction of this Court previously obtained, and that you shall keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness.

(Act VIII of 1890—Act I of 1894.)

13 Form of security bond.

259. The forms of engagement of curator and of security bond, prescribed in paragraph 226 shall be used, *mutatis mutandis*, for the personal and security bonds, required from a guardian under section 34 (a) of Act VIII of 1890.

ACT I OF 1894 (THE LAND ACQUISITION ACT).

Rules framed by Government of India as to payments under the Land Acquisition Act.

260. The attention of all Civil Courts is called to the Resolution of the Government of India in the Finance and Commerce Department, no 2209A, dated 10th May 1895, which has been reproduced as Appendix C in the Civil Account Code, volume I, and prescribes rules for payments under the Land Acquisition Act, 1894.

The rules that directly concern Civil Courts are numbered 8, 9 and 20 respectively in the said appendix to the Civil Account Code and run as follow:—

"8. All payments into Court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the Court, payable by order of the Court to credit of Civil Court deposits. The cheques should be accompanied with receipts, in triplicate, in Form D, duly filled up, of which one will be retained by the Court for record, and the other two returned duly signed to the Collector, who will keep one copy and forward the other to the Examiner of Public Works Accounts with the accounts of the month in which the payments are made. Payments of the amounts deposited shall be made under the rules for the payment of Civil Court deposits.

"9. When a Court has awarded any compensation in excess of the officer's award, the further payment due, as entered in column 6 of the award statement in Form B, should be made into the Court by means of a cheque, and the procedure described in the preceding paragraph should be followed, Form D being used with the necessary changes to give full particulars of the order of the Court.

"20. Investments under sections 32 and 33 of the Act of money deposited in Court should be arranged for, in the case of purchase of Government securities, by the Accountant General between the Court and the Civil Accountant General. The Accountant General will inform the Court of the amount to be remitted to enable him to make the investment, and this amount will be paid from the deposits in Court."

The tender in Form D, prescribed in rules 8 and 9 above quoted, should be accepted by all Courts in place of the tender prescribed in paragraph 559 of this Digest and the procedure for receipt of the deposit prescribed in paragraphs 559, 560 and 562 should be followed so far as it is applicable.

When a Court under section 32 or section 33 of Act I of 1894 orders investment in Government or other securities, the presiding officer should inform the Accountant General of the sum of money available and of the securities which it is desired to purchase, and should inquire what amount

(Act I of 1894—Act III of 1900.)

should be remitted for the purpose. When this amount has been ascer-

to the Accountant General, together with a statement giving the following particulars:—

- (a) Name of person in whose behalf the award has been deposited in Court.
- (b) Nominal value of securities to be purchased.
- (c) Additional amount remitted to cover the cost of investment, &c. [vide article 169 (a)].
- (d) Amount of remittance transfer receipt, being the total of (b) and (c).
- (e) Exact description of the security required, including year of loan.
- (f) Designation of the Court.

Any balance left after an investment is made will be remitted by the Accountant General by a payment order on the Treasury in favour of the presiding officer of the Court and should be credited on receipt by such officer as a Civil Court deposit in favour of the person in whose favour the original award was made. The interest on securities thus purchased and held in trust by the Accountant General will be remitted by the Account-

the Court concerned for
id 33 of the Act. When
the presiding officer of

the Court concerned should apply to the Accountant General, who will arrange for the sale and remit the proceeds, which should be credited by the Court on receipt as a Civil Court deposit.

ACT III OF 1900 (THE PRISONERS ACT).

261. The following extracts from the rules framed by the Local Government under section 51, Act III of 1900 (see G. O. no. 466, dated 22nd April 1879) for regulating the escort of prisoners to and from the Courts in which their attendance is required are here reproduced for the guidance of the Courts:—

Rules for escort
of prisoners.

1. The duty of escorting prisoners to and from the Court in which their presence is required shall be performed by the police.

2. The strength of the escort will be as follows on ordinary occasions:—

One prisoner	2 constables.
More than one and not more than six	4 constables.
From six to ten	1 head constable and 4 constables.

Should the number of prisoners to be escorted exceed ten, the strength of the guards may be increased in proportion.

259. The forms of engagement of curator and of security bond prescribed in paragraph 226 shall be used, *mutatis mutandis*, for the personal and security bonds, required from a guardian under section 34 (a) of Act VIII of 1890

260. The attention of all Civil Courts is called to the Resolution of the Government of India in the Finance and Commerce Department, no 2209A dated 10th May 1895, which has been reproduced as Appendix C in the Civil Account Code, volume I, and prescribes rules for payments under the Land Acquisition Act, 1894.

" 8 All payments into Court for deposit under the Act should be made by means of cheques in favour of the presiding officer of the Court payable by order of the Court to credit of Civil Court deposits. The cheques should be accompanied with receipts, in triplicate, in Form D, duly filled up, of which one will be retained by the Court for record, and the other two returned duly signed to the Collector, who will keep one copy and forward the other to the Examiner of Public Works Accounts with the accounts of the month in which the payments are made. Payments of the amounts deposited shall be made under the rules for the payment of Civil Court deposits.

"9 When a Court has awarded any compensation in excess of the officer's award, the further payment due, as entered in column 6 of the award statement in Form B, should be made into the Court by means of a cheque, and the procedure described in the preceding paragraph should be followed, Form D being used with the necessary changes to give full particulars of the order of the Court.

"20. Investments under sections 32 and 33 of the Act of money deposited in Court should be arranged for, in the case of purchases of Government securities, in communication between the Court and the Civil Accountant General concerned and purchases of land should be effected under the Court's order through the Collector or other revenue authority of the Province. The Collector will inform the Court what sum should be invested, and this amount will be paid to the Civil Accountant General concerned."

The tender in Form D, prescribed in rules 8 and 9 above quoted, should be accepted by all Courts in place of the tender prescribed in paragraph 558 of this Digest and the procedure for receipt of the deposit prescribed in paragraphs 559, 560 and 562 should be followed so far as it is applicable.

When a Court under section 32 or section 33 of Act I of 1891 orders investment in Government or other securities the presiding officer should inform the Accountant General of the sum of money available and of the securities which it is desired to purchase, and should inquire what amount

(Act I of 1894—Act III of 1900)

should be remitted for the purpose. When this amount has been ascertained, the presiding officer should send to the Treasury a deposit repayment order in the usual form drawn in his own favour for the amount required, and obtain in return a remittance transfer receipt in favour of the Comptroller General, Calcutta. As the securities when purchased will be held in safe custody by the Accountant General, the Court should then, as required by article 169 of the Civil Account Code, send the remittance transfer receipt to the Accountant General, together with a statement giving the following particulars —

- (a) Name of person in whose behalf the award has been deposited in Court.
- (b) Nominal value of securities to be purchased
- (c) Additional amount remitted to cover the cost of investment, &c.
[vide article 169 (a)]
- (d) Amount of remittance transfer receipt, being the total of (b) and (c)
- (e) Exact description of the security required, including year of loan
- (f) Designation of the Court

Any balance left after an investment is made will be remitted by the Accountant General by a payment order on the Treasury in favour of the presiding officer of the Court and should be credited on receipt by such officer as a Civil Court deposit in favour of the person in whose favour the original award was made. The interest on securities thus purchased and held in trust by the Accountant General will be remitted by the Accountant General half yearly to the presiding officer of the Court concerned for disposal in the manner laid down in sections 32 and 33 of the Act. When a Court desires the return or sale of the securities, the presiding officer of the Court concerned should apply to the Accountant General, who will arrange for the sale and remit the proceeds, which should be credited by the Court on receipt as a Civil Court deposit.

ACT III OF 1900 (THE PRISONERS ACT)

261. The following extracts from the rules framed by the Local Government under section 51, Act III of 1900 (see G O no 466, dated 22nd April 1879) for regulating the escort of prisoners to and from the Courts in which their attendance is required are here reproduced for the guidance of the Courts —

Rules for escort
of prisoners

1. The duty of escorting prisoners to and from the Court in which their presence is required shall be performed by the police

2 The strength of the escort will be as follows on ordinary occasions —

One prisoner	..	..	2 constables
More than one and not more than six	..	..	4 constables
From six to ten	..	..	1 head constable and 4 constables

Should the number of prisoners to be escorted exceed ten, the strength of the guards may be increased in proportion

(Act III of 1900.)

3. If escort is required of any notorious criminal, a special guard will be supplied.

4. In escorting prisoners the officer in command of the party should observe the following precautions:—

- (1) To keep his prisoners together in one compact body.
- (2) To place his police in order at a distance of at least five paces from the prisoners on each flank and in the rear, the officer himself and half the force being in the rear.
- (3) Never to travel at night unless absolutely necessary and previously authorized.
- (4) To regulate marches so as, if possible, to locate prisoners at night in a lock-up or in the interior of a police station or other place of security.

5. All prisoners under sentence for a criminal offence shall be handcuffed before leaving the jail, and the handcuffs shall not ordinarily be removed, except when the prisoners are before the Court or confined in a place of security.

6. All prisoners shall be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence for criminal offences shall ordinarily travel on foot; but civil prisoners who are desirous of obtaining and are willing to pay for the indulgence may be provided with suitable means of conveyance. When a railway is available, all prisoners shall be conveyed by rail under charge of the police guard.

7. In the case of prisoners whose testimony is required in criminal cases, the Police Department on account of the cost of the police guard for their escort concerned, All

charges of every kind arising from the conveyance of prisoners to and from the Courts will be defrayed by the Police Department. But it shall be in the competency of any Court in criminal cases to decline to summon any prisoner if the Court is not satisfied that his evidence is necessary in the interests of public justice, and if the complainant or defendant applying for the said prisoner's examination before the Court fail to deposit the estimated costs of conveying the prisoner to and from the Court. These costs shall be calculated on the scale hereinafter laid down in the case of civil suits; and if on examination of the said prisoner the Court is of opinion that his evidence was not required in the interests of public justice, the deposited costs shall, together with a certificate to this effect under the hand and seal of the Court, be forwarded to the District Superintendent of Police of the district in which the Court is held, and the money will be credited according to instructions to be issued by the Inspector General with the sanction of the Local Government.

8. In civil suits (including also all rent suits and all proceedings arising in the execution of decrees) the Court may, at the request of the suit, who may apply for the summoning of the prisoner, to deposit prior to issue of the summons, the estimated costs of conveyance, diet and escort of the prisoner whose testimony is required:

(Act III of 1900—Act III of 1907.)

Provided that no costs shall be demanded from pauper judgment-debtors in jail who have applied to be declared insolvent under section 344 of Act XIV of 1882,* and whose attendance is required in the Civil Court in accordance with section 350† of that Act when the Court is satisfied that they are absolutely unable to pay.

Such cost shall be calculated as follows —

(a) *Contenance* —As in rule 6

(b) *Dist* —At the rate of two annas *per diem* for each day during which the attendance of the prisoner will probably be required, inclusive of the days passed in the journey to and from the Court.

(c) *Escort* —All charges necessarily to be incurred by the police guard in travelling expenses, such as railway fares, if the prisoner is to be conveyed by railway, and the pay of the escort from the date of the prisoners delivery into their custody to the date of his return to the jail in which he is confined, viz, constables 2 annas and 8 pies *per diem*, and head constables 5 annas and 4 pies *per diem*

The money thus deposited shall be paid over by the Court to the District Superintendent of Police as provided in rule 7.

D

11 His Excellency the Governor General in Council exempts from application of the Act all state prisoners confined by order of Government

Exemption

The above rules shall, so far as they may be applicable, be observed, in the cases of prisoners who are sent for to give evidence in criminal trials

G O no 262 dated 3rd April 1880

In both classes of cases the Police Department must bear the cost of dieting the prisoners and of conveying them to and from the Court which requires their presence.

As prisoners summoned to answer charges are sent for in the interests of public justice, the provisions of rule 7, which authorize the Court to require in certain cases a deposit to cover the expenses of procuring the attendance of the prisoners, do not apply to the cases of prisoners sent for to answer charges.

ACT III OF 1907 (THE PROVINCIAL INSOLVENCY ACT)

262. The following rules framed by the Judicial Commissioner of Oudh under section 51, Act III of 1907, have been published in the *United Provinces Gazette* under Notification no 1195/1—228, dated the 17th May, 1909 —

1 These rules may be cited as "The Oudh Provincial Insolvency Rules," and shall come into operation with effect from the 1st of June 1909. The forms given in Appendix D, with such variations as circumstances may require, shall be used for the matters to which they severally relate.

The Oudh Provincial Insolvency rules

* Now the Provincial Insolvency Act, III of 1907

† Now section 14, sub-section (2) of the Provincial Insolvency Act, III of 1907.

(Act III of 1907.)

2. Every order of insolvency jurisdiction, and shall be given a serial number in that register, and all subsequent proceedings in the same matter shall bear the same number.

3. All insolvency proceedings may be inspected by the receiver, the debtor, and any creditor who has proved or any legal representative on their behalf, at such times and subject to the same rules as other Court records: Provided that no fee shall be charged for inspections made by the receiver.

Notices.

4. Whenever publication of any notice or other matter is required by the Act to be made in an official Gazette, a memorandum referring to and giving the date of such advertisement shall be filed with the record and noted in the order sheet.

5. Notice of an order fixing the date of the hearing of a petition under section 12(1) shall, in addition to the publication thereof in the local official Gazette as required by the Act, be also advertised in such local newspaper or newspapers as the Court may direct. A copy of the notice shall also be forwarded by registered letter to each creditor, to the address given in the petition, or served on the creditor in the manner prescribed for the service of summons, as the Court thinks fit. The same procedure shall be followed in respect of notices of the date for the consideration of a proposal for composition or scheme of arrangement under section 27 (1).

6. Notice of an order of adjudication under section 16 (7) shall, in addition to the publication thereof in the local official Gazette as required by the Act be also advertised in such local newspaper or newspapers as the Court may direct. When the debtor is a Government servant, a copy of the order shall be sent to the head of the office in which he is employed.

The same procedure shall be followed in regard to notices of orders annulling an adjudication under section 42 (3).

7. The notice to be issued by the receiver under section 39 (4) before the declaration of a final dividend to the persons whose claims to be creditors have been notified, but not proved, shall be sent through the post by registered letter.

8. Notice of the date fixed for hearing an application for an order of discharge under section 44 (1) shall, in addition to the publication thereof in the local official Gazette, as required by the Act, be also advertised in such local newspaper or newspapers as the Court may direct. A copy of the notice shall also be forwarded by registered letter to each creditor whether he has proved or not, or served on him in the manner prescribed for the service of summons, as the Court thinks fit.

9. A certificate of an officer of the Court or of the official receiver, or an office receipt, shall be sent to the person to

(Act III of 1907.)

Receivers.

a receiver shall be by order in writing of this order, sealed with the seal of the debtor, and forwarded to the person appointed.

11. A Court when fixing the remuneration of a receiver shall, as a rule, direct it to be in the nature of a commission or percentage of which one part shall be payable on the amount realized, after deducting any sums paid to secured creditors out of the proceeds of their securities, and the other part on the amount distributed in dividends.

12. The receiver shall keep a cash book and dividend register and such other books as may be required to give a correct view of his administration of the estate, and shall submit his accounts at such times, and in such form, as the Court may direct. Such accounts shall be audited by such person or persons as the Court may direct. The costs of the audit shall be fixed by the Court and shall be paid out of the estate.

13. Any creditor who has proved his debt may apply to the Court for a copy of the receiver's accounts (or any part thereof) relating to the estate, as shown by the cash book up to date, and shall be entitled to such copy on payment of the charges laid down in rules of this Court regarding the grant of copies.

14. In any case in which a meeting of creditors is necessary and in any case in which the debtor proposes a composition or scheme under section 27, the receiver shall give at least 14 days' notice to the debtor and to every creditor of the time and place appointed for each meeting. Such notices shall be served by registered post.

Proof of Debts

15. A creditor's proof may be in Form 99 with such variations as circumstances may require.

16. In any case in which it shall appear from the debtor's statement that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor or by some other person on behalf of all such creditors. Such proof should be in Form 100.

Dividends

17. The amount of the dividend may, at the request and risk of the creditor, be transmitted to him by post.

Summary administration.

18. When an estate is ordered to be administered in a summary manner, under section 48 of the Act, the provisions of the Act and these Rules shall, subject to any special direction of the Court, be modified as follows, namely —

(i) There shall be no advertisement of any proceeding in a local paper.

(ii) The petition and all subsequent proceedings shall be endorsed "Summary Case."

(iii) The notice of the hearing of the petition to the creditors shall be in Form 107.

(Act VII of 1907.)

2. Every insolvency petition shall be entered in the Register of Insolvency Petitions (Form 4) to be maintained in all Courts exercising insolvency jurisdiction, and shall be given a serial number in that register, and all subsequent proceedings in the same matter shall bear the same number.

3. All insolvency proceedings may be inspected by the receiver, the debtor, and any creditor who has proved, or any legal representative on their behalf, at such times and subject to the same rules as other Court records: Provided that no fee shall be charged for inspections made by the receiver.

Notices.

4. Whenever publication of any notice or other matter is required by the Act to be made in an official Gazette, a memorandum referring to and giving the date of such advertisement shall be filed with the record and noted in the order sheet.

5. Notice of an order fixing the date of the hearing of a petition under section 12(1) shall, in addition to the publication thereof in the local official Gazette as required by the Act, be also advertised in such local newspaper or newspapers as the Court may direct. A copy of the notice shall also be forwarded by registered letter to each creditor, to the address given in the petition, or served on the creditor in the manner prescribed for the service of summons, as the Court thinks fit. The same procedure shall be followed in respect of notices of the date for the consideration of a proposal for composition or scheme of arrangement under section 27 (1).

6. Notice of an order of adjudication under section 16 (7) shall, in addition to the publication thereof in the local official Gazette as required by the Act be also advertised in such local newspaper or newspapers as the Court may direct. When the debtor is a Government servant, a copy of the order shall be sent to the head of the office in which he is employed.

The same procedure shall be followed in regard to notices of orders annulling an adjudication under section 42 (3).

7. The notice to be issued by the receiver under section 39 (4) before the declaration of a final dividend to the persons whose claims to be creditors have been notified, but not proved, shall be sent through the post by registered letter.

8. Notice of the date fixed for hearing an application for an order of discharge under section 44 (1) shall, in addition to the publication thereof in the local official Gazette, as required by the Act, be also advertised in such local newspaper or newspapers as the Court may direct. A copy of the notice shall also be forwarded by registered letter to each creditor whether he has proved or not, or served on him in the manner prescribed for the service of summons, as the Court thinks fit.

9. A certificate of an officer of the Court or of the official receiver, or an affidavit by a receiver that any of the notices referred to in the preceding rules has been duly posted accompanied by the post office receipt, shall be sufficient evidence of such notice having been duly sent to the person to whom the same was addressed.

CHAPTER VII. Legal Practitioners. CONTENTS OF CHAPTER.

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ADVOCATES.

265. The following rules as to the qualification and admission of persons to be Advocates of the Court of the Judicial Commissioner of Oudh were made in 1892 and 1894 by the Judicial Commissioner under section 41 of Act XVIII of 1879 and are still in force —

Rules under section 41 of Act XVIII of 1879. Judicial Commissioner's Notifications no. 1410 dated the 8th September 1892 and no. 835, dated the 1st May 1894.

Who may apply to be admitted as Advocates

I.—The following persons may apply to be admitted as Advocates of the Court of the Judicial Commissioner of Oudh —

- any person who is a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;
- any person who is an Advocate of any Chartered High Court in British India ;
- any person who is a Vakd of the High Court of Judicature, North-Western Provinces, and who was admitted to practise in the Court of the Judicial Commissioner of Oudh without payment of fee under the rules in force prior to the 1st January 1880, and who has practised continuously in the said Court since the date of his admission.

II.—The Judicial Commissioner may invite any person who—

- is an Attorney or a Vakd of the High Court of Judicature for the North-Western Provinces, and
- has practised as such for at least ten years in such High Court or in the Court of the Judicial Commissioner of Oudh,

... .. Commissioner of
... .. duty (if any)
... .. to the roll of
Advocates of the said Court and shall receive a certificate of admission under the signature of the Registrar and the seal of the Court.

Act II of 1899.

III.—The mode of applying to be admitted as an Advocate of the Court of the Judicial Commissioner of Oudh shall be by a written application to the Judicial Commissioner, accompanied by a letter to the Registrar, enclosing a declaration in which the applicant shall state whether he holds any appointment under Government or carries on any trade or business, and whether it is his intention to practise permanently in the Court of the Judicial Commissioner of Oudh and in the Courts subordinate thereto. Such application and declaration shall be left with the Registrar.

Mode of application.

(Act III of 1907—Act XVI of 1908.)

- (iv) The Court shall examine the debtor as to his affairs, but shall not be bound to call a meeting of creditors, but the creditor shall be entitled to be heard and to cross-examine the debtor.
- (v) The appointment of a receiver will often not be necessary, as the Court may act under section 23 of the Act in order to reduce the cost of the proceedings.

Imprisonment.

19. Before sentencing a debtor, under the powers conferred by section 43, sub-section (2), the Court shall call on the debtor to show cause why an order should not be passed against him under that section.

Costs.

20. All proceedings under the Act, down to and including the making of an order of adjudication, shall be at the cost of the party prosecuting the same; but when an order of adjudication has been made the costs of the petitioning creditor shall be taxed and be payable out of the estate.

21. No costs incurred by a debtor of, or incidental to, an application to approve of a composition or scheme, shall be allowed out of the estate, if the Court refuses to approve the composition or scheme.

22. Before passing an order under sections 12 (1), 16 (1), 27 (1) 42 (1) or 44 (1), the Court may require the petitioner or applicant to deposit the sum necessary to defray the cost of giving, publishing or serving the necessary notices.

23. Before passing an order under section 18 (1), the Court may require the petitioner to deposit a sum not exceeding Rs. 50 to cover the preliminary expenses of the receiver. The receiver shall account to the Court for any sum paid to him under this rule. Any sum deposited by a creditor under this rule shall be re-paid to him out of the first proceeds of the insolvent's property.

ACT XVI OF 1908 (THE INDIAN REGISTRATION ACT).

Misconduct of registering officers to be reported to District Registrar.

263. The presiding Judges of all Civil Courts other than District Courts shall report to the District Registrar of their district all cases which come before them in which there is reason to believe that there has been misconduct, negligence, or irregularity on the part of the registering officers in the registration of any document tendered in evidence or otherwise coming before the Courts.

Procedure on cancellation of registered instrument or on grant of certificate of sale of immovable property.

264. The attention of every presiding officer of a Civil Court making a decree cancelling under O. XXI, r. 91 of the Specific Relief Act, 1877, Act, 1908.

--- a certificate
39 of the
Registrar

(Advocates—Admission of pleaders)

of enrolment in the Court of the Judicial Commissioner or otherwise satisfying such presiding officer of the fact of such enrolment

This paragraph is subject to paragraph 273 below relating to the language in which a Court is to be addressed

(See sect on 4 of Act XVIII of 1879)

ADMISSION OF PLEADERS

267. The following rules under section 6 of Act XVIII of 1879 (Legal Practitioners Act) have been made by the Judicial Commissioner of Oudh with the approval of the Local Government as to the qualifications, admission and certificates of pleaders in Oudh —

Rules under section 6 Act XVIII of 1879.

I—There shall for the present be three grades of pleaders in Oudh, viz —

Grades of pleaders

First grade — (Pleaders of the Judicial Commissioner's Court) Pleaders admitted under these rules and pleaders who have already received a certificate written upon a stamped paper of the value of Rs 50

Second grade — Pleaders admitted under these rules and pleaders who have already received a certificate written upon a stamped paper of the value of Rs 25

Third grade — Pleaders who have already received a certificate written upon a stamped paper of the value of Rs 15

Notes — Since the 1st January 1873 there has been no admission to pleaderships of the third grade.

II — Pleaders of the first grade (*Pleaders of the Judicial Commissioner's Court*) holding certificates written upon a stamped paper of the value of Rs 50, shall be competent to practise in the Court of the Judicial Commissioner, and in any subordinate Court, and in all Revenue offices in Oudh

Courts in which and conditions on which pleaders of the several grades may respectively practise

Pleaders of the second grade holding certificates written upon a stamped paper of the value of Rs 25, shall be competent to practise in any Court below that of the Judicial Commissioner, and in all Revenue offices in Oudh

Pleaders of the third grade holding certificates written upon a stamped paper of the value of Rs 15 are competent to practise in the Courts of Subordinate Judges, Munsifs, Honorary Munsifs Courts of Small Causes, and in all Criminal Courts below that of the Judicial Commissioner, and in all Revenue offices in Oudh

Pleaders of the first grade (*Pleaders of the Judicial Commissioner's Court*) holding certificates written upon a stamped paper of the value of Rs 25, shall be competent to appear, plead and act in any Court below that of the Judicial Commissioner and in all Revenue offices in Oudh

Pleaders of either of the first two grades holding certificates written upon a stamped paper of the value of Rs 25, shall be competent to appear, plead and act in any Court below that of the Judicial Commissioner and in all Revenue offices in Oudh

(Advocates)

Documents to be
filed

IV —The applicant shall also leave with the Registrar the following documents —

(1) In the case of a Barrister not enrolled in any other High Court in British India—

(a) the certificate of the applicant's call to the English or to the Irish Bar, or of his admission to the Faculty of Advocates in Scotland provided that if the certificate of the applicant's call to the English or Irish Bar or of his admission to the Faculty of Advocates in Scotland does not show that he has so called, or admitted upon having kept the full number of terms and performed all the other conditions ordinarily required for a call to the Bar, or for an admission to the Faculty of Advocates entitling a Barrister or Advocate to practise his profession in the country in which he was called or the applicant shall, if he has been called to the Bar in England or Ireland or has been admitted to the Faculty of Advocates in Scotland, after the 1st day of January 1893, deliver to the Registrar along with his application a certificate of the Treasurer Under Secretary of the High Court of the North Western Provinces, called or admitted, stating that before he was called or admitted, as the case may be, he had kept the full number of terms and performed all the other conditions required for a call to the Bar or for an admission to the Faculty of Advocates entitling a Barrister or Advocate to practise his profession in the country in which the applicant was called or admitted or in default of such certificate the applicant must along with his application deliver to the Registrar a certificate of his admission to the roll of Attorneys or to the roll of Vakils of the High Court of the North Western Provinces,

(b) satisfactory testimonials of good character

(2) In the case of an Advocate enrolled in any other High Court in British India—

(a) the applicant's certificate of enrolment,

(b) if the applicant has not practised in any High Court in British India, satisfactory testimonials of good character,

(c) if the applicant has practised in such a Court evidence that his conduct as an Advocate has been satisfactory

V —If the application be granted, the Registrar will supply to the applicant on payment of the stamp duty (if any) chargeable under the Indian Stamp Act a certificate of admission under his signature and the seal of the Court and will enrol his name in the Court's register of Advocates

Act II of 1892

Persons entitled to
practise as Advocates
in subordinate
Courts

266. Any Advocate on the roll of Advocates of the Court of the Judicial Commissioner and not under suspension shall be entitled to practise in any Court subordinate to the Court of the Judicial Commissioner, upon producing to the presiding officer of such Court his certificate

(Admission of pleaders)

two years or have partly so practised and partly been so employed for periods which combined amount to two years, and

(c) have a thorough knowledge of Hindustani and can speak that language with fluency and accuracy,

(5) Persons who hold certificates of qualification for admission as vakils of the High Court of Judicature for the North-Western Provinces and have either practised for two years in a Court subordinate to the Judicial Commissioner or have been employed as judgment clerks of the Judicial Commissioner's Court for two years or have partly so practised and partly been so employed for periods which combined amount to two years,

(6) Persons who, before these rules came into force, heretofore entered as vakils, on the roll of the High Court of Judicature, North-Western Provinces, received certificates from the Judicial Commissioner of Oudh, permitting them to practise under the provisions of section 45, Act XX of 1865, or section 4, Act XVIII of 1879, in his Court

Provided that in the case of (1) and (2) the applicant possesses a competent knowledge of Hindustani and can speak that language fluently and in the case of (4) and (5) application for admission as a pleader of the first grade is made within one year from the date of obtaining the certificate or a degree

VI.—The following persons may be admitted as pleaders of the second grade, namely—

Qualification for admission as pleaders of the second grade

(1) Vakils of the High Court of Judicature for the North Western Provinces,

(2) Persons who—

(a) hold certificates of the Registrar of the Allahabad University that they have passed the final examination for the degree of LL B, and that they actually obtained not less than 50 per cent of the aggregate marks obtainable at the examination, and that before being examined for that degree they had passed an examination for the degree of B A of the said University, or had passed an examination for the degree of B Sc of the said University, and had after passing such examination for the degree of B A or B Sc attended not less than 75 per cent of the lectures in law delivered during two consecutive annual courses taken together in a college affiliated to the said University, and

(b) have a thorough knowledge of Hindustani and can speak that language with fluency and accuracy,

(3) Persons who hold certificates of qualification for admission as vakils of the said High Court,

(4) Persons who hold certificates of admission as pleaders of the upper subordinate grade of the said High Court under the said High Court's Circular Order no 7 of 1882,

(Admission of pleaders)

(5) Persons who hold certificates of admission as pleaders of the said High Court under the said High Court's Rules of the 18th March 1895 and of the 10th August 1904, and

(6) Persons who hold certificates of qualification as pleaders from the Board of Examiners constituted under section 37, Act XVIII of 1879 for the North-Western Provinces

Provided that in the case of (2), (3) and (6) application for admission as a pleader is made within one year from the date of obtaining the certificate or the degree

pleader shall be accompanied paragraphs and also by a
ates of good character and

conduct.

VIII —If an applicant for admission as a pleader hold any appointment under Government, or carry on any trade or business, the Judicial Commissioner may refuse to admit him, or pass such orders on his application as he thinks proper.

Any person who, having been admitted as a pleader, shall accept any appointment under Government, or shall enter into any trade or business or shall advance money on interest to any person resident in the district or districts in which he practises or shall acquire any interest in any pending suit or in any property in respect of which a suit is intended to be brought in the province shall give notice thereof to the Judicial Commissioner who may thereupon suspend such pleader from practice, or pass such orders as he may think fit. The notice shall be given through the Judge of the district in which he ordinarily practises

IX —The mode of applying to be admitted as a pleader shall be by petition, containing applicant's name, father's name, and place of business, addressed to the Judicial Commissioner, and stamped under clause (d), article 1, Schedule II, Act VII of 1870, in which the applicant shall state whether he holds any appointment under Government, or carries on any trade or other business. The petition with the necessary certificates of qualification shall be presented to the Registrar of the Court of the Judicial Commissioner which the applicant intends to practise to Registrar of the Court of the Judicial Commissioner of the value required for the certificate which the applicant desires to obtain, shall be presented with the application.

val
be
pay
Judicial Commissioner with such remarks as he may think fit to make thereon

Any applicant who does not apply for enrolment within one year from date of his certificate of qualification must with his application present a testimonial of good character from the officer presiding in the Court in which he last practised.

(Admission of pleaders—Enrolment of pleaders.)

X.—T d by the Judicial Commissioner,
and, if be issued to the applicant under the
signature of the Judicial Commissioner in
one of the following forms.—

ACT XVIII OF 1879.

*Clause (a), Part I, Schedule II, stamp Rs. 50*Forms of certifi-
cates.

Pursuant to the Legal Practitioners Act, 1879, I hereby certify that
son of , has been admitted
a pleader of the first grade, and is authorized to appear, plead and act in
all the Courts and Revenue offices in Oudh up to the end of the current
calendar year.

Given under my hand and the seal of the Court this
day of 19 .

*Registrar of the Court of the Judicial
Commissioner of Oudh.*

ACT XVIII OF 1879.

Clause (c), Part I, Schedule II, stamp Rs. 25

Pursuant to the Legal Practitioners Act, 1879, I hereby certify that
son of , whose chief place of
business is at , has been admitted a pleader of the
grade and is authorized to appear, plead and act in any
Court (below that of the Judicial Commissioner) in which he may enrol
himself, and in any Revenue office in Oudh up to the end of the current
calendar year.

Given under my hand and the seal of the Court this
day of 19

*Registrar of the Court of the Judicial
Commissioner of Oudh.*

ENROLMENT OF PLEADERS

268. A pleader of the first grade, holding a certificate on stamped
paper of the value of Rs 50, is authorized to practise in any Court in
Oudh, being enrolled only in the Judicial Commissioner's Court

Pleaders of the
first grade holding
certificate on stamped
paper of the
value of Rs 50 and
enrolled in Judicial
Commissioner's
Court entitled to
practise in any
subordinate Court
in Oudh

269. Any pleader of a class other than that mentioned in the preceding
paragraph is authorized to practise in any Court in Oudh in which he is
entitled by his certificate of admission as a pleader to practise, provided
that he has been enrolled either in such Court or in a Court to which such
Court is subordinate.

Other pleaders
entitled to practise
in the Court in
which they are
enrolled or Court
subordinate thereto.

270. The two [.] of
O III, r. 4(1) and d to
file either a *vakalatna* for
Government, the prescribed memorandum They are also subject to para-
graph 273 below relating to the language in which a Court is to be addressed.

Must file *vakalat-
nama* and comply
with rules as to
language

(Enrolment of pleaders)

Rules as to enrolment of pleaders made under section 8 of Act XVIII of 1879

271. The following rules under section 8 of Act XVIII of 1879 (Legal Practitioners Act) have been made by the Judicial Commissioner of Oudh as to the enrolment of pleaders in Oudh —

I—Application to the Judicial Commissioner shall be made to the Court and the procedure to be followed *mutatis mutandis* be that prescribed in the rules below.

II—Application to be enrolled as a pleader in any Court other than the Court of the Judicial Commissioner shall be made by petition to the Court in which the applicant desires to be enrolled. The application shall be accompanied by the certificate referred to in section 7 of the said Act, and shall be presented by the applicant in person.

Register and certificate of enrolment of pleaders

III—If the certificate be in order, and the presiding officer is satisfied that the applicant is not suffering from leprosy or other dangerous malady, and is otherwise a proper person to be enrolled, he shall cause his name to be entered in a register to be kept in the following form, and shall cause to be endorsed on his certificate a memorandum certifying that the applicant has been enrolled in the Court —

Form of Register of pleaders

Name	Father's name	Value of stamp on certificate	Date of enrolment.	Remarks
1	2	3	4	5

Pleader desiring to be enrolled in a district other than that in which he was originally enrolled.

IV.—Any pleader desiring to be enrolled in a Court other than the Court in which he was originally enrolled or a Court subordinate thereto must apply by petition to the presiding officer of such Court, annexing thereto his last certificate and a testimonial of character from the presiding officer of the Court in which he last practised, showing that he is of good character professionally and personally. If his papers are in order he may be enrolled accordingly, and if his certificate has any time to run, he may continue to practise under it for the time unexpired.

Every presiding officer shall give on application a testimonial of character to any pleader who is enrolled in his Court and who desires to practise in another Court unless there be good reason, in his opinion, for withholding such testimonial, in which case the refusal with the reason shall be recorded on the back of the application. Such testimonial if granted by any Court subordinate to the Court of the District Judge, shall be countersigned by the District Judge, and there be good reason in his opinion for withholding such countersignature.

V.—Every application for renewal of certificate shall be made on or before the 15th December by petition stamped and charged as in Schedule II of the Court Fees Act 1870, addressed to the presiding officer

Application for renewal of certificate

(Enrolment of pleaders)

either of the Court in which he is enrolled or of the Court subordinate thereto in which he ordinarily practises, in the latter case the certificate will be forwarded to the Court wherein the applicant is enrolled. The petition shall be accompanied by the expiring certificate and stamped paper of the value required for the renewed certificate, and shall be presented by the applicant in person.

VI—Except under a special order of the Judicial Commissioner passed on an application to be made through the presiding officer of the Court in which he is enrolled, no certificate shall be renewed to any pleader who shall not have applied on or before the 15th December in its current year for a renewal of his certificate

Renewal of certificate applied for after prescribed date to be under special order

VII—Unless it appears to the presiding officer of the Court in which the applicant is enrolled that he is unfit by reason of leprosy or other dangerous malady, or is otherwise an improper person to whom to grant a renewal of the certificate, a renewed certificate shall be granted and signed by such presiding officer and be delivered to the applicant in person, or through his authorized agent. On the renewed certificate shall be endorsed the memoranda of enrolment recorded on the expiring certificate, and the endorsements shall be authenticated by the presiding officer. No certificate shall be renewed by any Court unless it is satisfied that the applicant at the time of the application is ordinarily practising in a Civil, Criminal or Revenue Court within the local limits of its jurisdiction

Granting and contents of renewed certificates

If for any reason it appears to the presiding officer that the applicant is an improper person to whom to grant a renewal of the certificate, he shall report the matter to the Court of the Judicial Commissioner for orders

VIII—Renewed certificates shall be granted in the following forms —

Forms of renewed certificates

ACT XVIII OF 1879

Clause (a), Part I, Schedule II, stamp Rs 50

The certificate issued under the signature of _____, son of _____, day of _____ to _____, a pleader of the first grade, pleader of the Judicial Commissioner's Court, having been cancelled and retained by me, this renewed certificate is issued authorizing the said _____ to appear, plead and act in all the Courts and Revenue offices in Oudh, up to the end of the current calendar year

Given under my hand and the seal of the Court this _____ day of _____ 19 _____

Presiding officer of Court.

ACT XVIII OF 1879

Clause (c), Part I, Schedule II, stamp Rs 25

The certificate issued under the signature of _____, on the _____ day of _____ to _____, son of _____, a pleader of the _____ grade, having been cancelled and retained by me, this renewed certificate is issued, authorizing the said _____ to appear, plead, and act in any Court (below that of the Judicial

(Pleaders' fees.)

proceedings in the Judicial Commissioner's Court and in subordinate Courts:—

I.—The party entitled under a decree or an order to be paid costs by
 in rules VI to XV inclusive, which may be applicable to the case.

Proviso 1.—Subject to the provisions of rule II, a Court may, in any case, for special reasons to be recorded in the judgment, award a higher or lower fee than that prescribed in rules VI to XV inclusive.

Proviso 2.—Nothing in these rules shall be held to apply to such costs as a party may be ordered to pay for adjournment under paragraph 66 of this Digest.

Proviso 3.—Not more than half the fees payable under these rules in respect of an appeal or other proceeding in the Court of the Judicial Commissioner shall, except under a special order of the presiding Judge or Judges made during the hearing or upon delivery of the judgment, be allowed or entered in a table of costs in a decree or order of this Court in respect of the fees in the appeal or proceeding of a party's advocate or pleader not *bona fide* residing and practising in Lucknow.

II.—No fee to any legal practitioner not appearing for the Crown or Government or the Court of Wards or a Local Authority as a party shall be allowed on taxation between party and party or shall be included in any decree or order except in the case of an order under paragraph 66 unless, (a) in suits and other original proceedings before the commencement of the arguments, and (b) in appeals and applications for revision before the commencement of the arguments after admission, there shall have been filed in Court a certificate signed by the legal practitioner certifying the amount of the fee or fees actually paid to him for his own exclusive use and benefit by or on behalf of his client

Certificate of receipt of fees to be filed by legal practitioners at prescribed time

Provided that if the hearing of an appeal or application for revision is not finished on the day on which it is commenced a certificate may be filed before the commencement of each hearing by any legal practitioner whose first certificate shows that he was engaged on a daily fee

Explanation.—A certificate filed in any Court must relate to fees paid for that Court only.

Such certificate shall clearly state—

- (a) the case, matter or proceeding in respect of which such fee or fees was or were paid;
- (b) the date or dates when such fee or fees was or were actually paid to the advocate or pleader;
- (c) the precise amount or amounts which was or were so paid;
- (d) that such amount has been received for the exclusive use and benefit of the advocate or pleader, and that no portion of such fee or fees has been returned or has been agreed to be returned or remitted or appropriated to the use of any other person by the advocate or pleader, or by any one on his behalf, and
- (e) the name and address of the person who made such payment.

(Pleaders' fees)

The certificate shall be, so far as is possible, in the following form —

In the Court of _____ Between _____ and _____ for the purpose of presentation to the taxing officer and having my fee allowed on taxation as against _____ I, _____, hereby certify that in the above * the following fees were paid to me on the dates and by the person or persons specified below, † _____, and that the whole amount so paid was actually paid to me for my own exclusive use and benefit, and that no portion of such fees has been, or has been agreed to be, returned or remitted, or appropriated to the use of any other person, by me or by any one on my behalf

Matter.	Fee	Date of payment	By whom paid	Address of person who actually made such payment

Date of signature

Signature

Address of advocate or pleader

Filed on the _____ day of _____ 19____ by _____ of _____.

The officer receiving a certificate filed by a legal practitioner shall at once endorse thereon the date and hour on which it was filed

Meaning of expression 'amount or value of the claim' as used in certain rules

III — The words "the amount or value of the claim" in rules VI and IX, mean the value as set forth on the plaint application or memorandum of appeal, and where Court-fees are payable *ad valorem*, the value according to which such Court fees are paid

Fractions of a rupee in the amount or value of a claim shall be disregarded in calculating the fee payable thereupon

Method of treating claims to a set off and memorandum of objections

IV — For the purposes of these rules a claim to a set off made in a written statement shall be held to be a separate suit and a memorandum of objections under O. XXI, r 22, shall be treated as a separate appeal. The percentage scale given in the rule applicable to the case shall be applied only to the value of that part of the set off or objections in respect of which a fee has been paid under the Court-fees Act

Act VII of 1870

No further fee to be allowed in further proceedings

V — An advocate or pleader, receiving a fee on the percentage scale for prosecuting or defending a suit, is bound to carry the suit to the end, and to make all necessary applications for review or in the execution department without receiving any further fee and a decree holder is not at liberty to charge the judgment debtor with a second fee for applications presented in the execution department unless it can be shown that the services of the advocate or pleader originally employed were not available, and that consequently, another advocate or pleader was necessarily employed

The second fee will not be held to be a necessary cost and expense if without its expenditure the services of the advocate or pleader originally employed have been secured

may be

(Pleadings' fees.)

VI —In suits or in appeals from original or appellate decrees in suits, fees shall be payable according to the following scale on the amount or value of the claim — Scale of pleadings' fees in suits and in appeals

When such suits or appeals are decided on the merits after contest—

- (1) if the amount or value of the claim shall not exceed Rs 5,000, 5 per cent ;
- (2) if the amount or value shall exceed Rs 5,000 and shall not exceed Rs 20,000, on Rs 5,000 as above, and on the remainder, 2 per cent ;
- (3) if the amount or value shall exceed Rs 20,000 and shall not exceed Rs 50,000, on Rs 20,000 as above, and on the remainder, 1 per cent.,
- (4) if the amount or value shall exceed Rs 50,000 on Rs 50,000 as above, and on the remainder, $\frac{1}{2}$ per cent subject to a maximum fee of Rs 3,000

VII —When such suits or appeals are decided *ex parte*, or on confession of judgment, or when an appeal is rejected under O XLI, r 10, of the Code, and in the matter of applications under clauses 17 and 20 of the Second Schedule to the said Code, one quarter of the fees payable in the case of suits or appeals decided on the merits after contest In suits or appeals decided *ex parte*

VIII —In suits under section 9 of the Specific Relief Act one half of the amount of the fee prescribed by rule VI shall be payable

In suits under section 9 of the Specific Relief Act

IX —In appeals from orders and in other cases, fees shall be payable on the following scale —

Appeals from orders and other cases

- (1) if the amount or value of the claim shall not exceed Rs 5,000, $1\frac{1}{2}$ per cent ,
- (2) if the amount or value shall exceed Rs 5,000 and shall not exceed Rs 20,000, on Rs 5,000 as above, and on the remainder, $\frac{1}{2}$ per cent ,
- (3) if the amount or value shall exceed Rs 20,000 and shall not exceed Rs 50,000 on Rs 20,000 as above and on the remainder, $\frac{1}{4}$ per cent ,
- (4) if the amount or value shall exceed Rs 50,000, on Rs 50,000 as above, and on the remainder, $\frac{1}{2}$ per cent subject to a maximum fee of Rs 500

X —In an inquiry as to pauperism under Order XXXIII or Order XLIV of the Code the fees payable to a Government Pleader who has opposed an appeal as a pauper or as a pauper or objector, shall be payable on Fees payable in suits by paupers

plaint if the suit were not brought by a person alleging pauperism, provided that no fee in excess of Rs 75 shall be payable under this rule.

A Government Pleader, who sues out execution of decree without having appeared in Court in the proceedings prior to decree, is entitled to the fee prescribed in the first part of this rule

XI —In calculating costs of appeals, if the memorandum of appeal was not signed by a legal practitioner, only one half of the ordinary fee will be allowed on account of the legal practitioner of the appellant, similarly, only Half fees in appeals when to be allowed.

(Pleadings' fees—General)

one half of the ordinary fee will be allowed on account of the legal practitioner of the respondent, unless in the case a legal practitioner has filed either his *vakalatnama* or, if he be an advocate who is a barrister, a slip in the form appended to this paragraph after the filing of the appeal and before the first date fixed for hearing the case.

Act IX of 1887

In calculating costs of cases in revision, when the record of a case is called for under section 115 of the Code, or section 25 of the Provincial Small Cause Courts Act, only half the ordinary fee will be allowed as costs on account of a legal practitioner, unless he has filed his *vakalatnama* or the aforesaid slip, as the case may be, before the first date fixed for the hearing of the case.

This rule shall not apply to a respondent or party opposing revision to whom less than seven days' notice was given of the date fixed for the hearing of the case.

Form

In the Court of

appellant } versus { respondent
applicant }

I appear for
Dated

Barrister-at-Law

Mode of calculation when claim does not admit of valuation

Act VII of 1887

XII.—In cases in which the subject matter of the claim does not admit of valuation, the fee shall (subject to the maximum provided in rule VI and in rule X *supra*) be calculated on the value prescribed in the rules framed under the Suits Valuation Act 1887 (paragraphs 254 and 255, Chapter VI) when these rules are applicable, and in other cases the Court shall fix a reasonable fee regard being had to the time occupied in the trial of the case and the nature of the questions raised therein.

But is where several defendants have joint interest.

XIII.—If several defendants who have a joint or common interest succeed upon a joint defence or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants it shall be paid or shall apportion it among the several defendants in such manner as the Court shall think fit.

But is where separate defences are set up by several defendants

XIV.—If several defendants who have separate interests, set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants who shall appear by a separate legal practitioner may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant in the manner hereinafter prescribed.

Value of stamp on *vakalatnama* only to be awarded in such cases

XV.—For each fee allowed under the two last preceding rules the value of the stamp on one *vakalatnama* only shall be awarded as costs.

GENERAL.

Cost may be allowed in Fug sh with consent of Court

273. With reference to section 14 of Act XVIII of 1879 (Legal Practitioners Act) the following rule is declared by the Judicial Commissioner to be in force in all Courts subordinate to that of the Judicial Commissioner in Oudh:—

Legal practitioners may, with the consent of the Court allow cost in English provided that such consent shall not be given if the opposite party

(General)

objects, unless due provision is made for interpretation, if necessary, of what is said into the language of the Court

274.

payments of
-akalatnama

Authority for pay-
ment of refund to
legal practitioner

275. No legal practitioner shall, at a sale in execution of a decree in a suit in which he has been professionally engaged, bid for or purchase, whether in his own or in any other name, for his own benefit or for the benefit of any other person, any property sold in execution of such decree

Legal practitioners
prohibited from pur-
chasing property at
execution sale

Any legal practitioner contravening this rule will be held guilty of misconduct within the meaning of Act XVIII of 1879, and be dealt with accordingly.

276. A list of persons entitled to practise in Oudh, under Act XVIII of 1879, will be published annually in February, under the signature of the Registrar of the Judicial Commissioner's Court.

Annual publica-
tion of list of plead-
ers.

CHAPTER VIII.

Court-fees.

CONTENTS OF CHAPTER.

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GENERAL.

Classification of
Court fees payable
into Civil Courts.

277. The Court-fees * payable by means of stamps into Civil Courts may be classified under the following heads:—

- (1) *Ad valorem* fees (Schedule I of Act VII of 1870)—
 - (a) on plaints, memoranda of appeal and applications for review of judgment,
 - (b) on copies and translations;
 - (c) on certificates, probates and letters of administration
- (2) Fixed fees (Schedule II of Act VII of 1870)—

USE OF STAMPS

279. Under section 26 of Act VII of 1870 the Governor General in Council has issued the following directions as to the use of adhesive and impressed stamps (*Notification no 361, dated the 18th April 1883, as amended by Notification no 1494S R., dated the 29th March 1895, Department of Finance and Commerce*) —

- (1) When in any case the fee chargeable under the said Act is less than Rs 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall be adhesive stamps of the size and pattern introduced in 1883 bearing the words "Court fees" and containing three lines in the middle with the Queen's head and the value printed on the left side, or adhesive stamps of any different shape, size or pattern bearing the words "Court fees", which may hereafter be issued for use in supersession of or in addition to the adhesive stamps now in use.

Adhesive stamps to be used when fee chargeable is less than Rs 10

- (2) When in any case the fee chargeable under the said Act amounts to or exceeds Rs 10, such fee shall be denoted by impressed stamps bearing the words "Court fees", adhesive stamps being only employed to make up fractions of less than Rs 10.

Impressed stamps to be used in other cases

- (3) If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna such fraction shall be remitted.

Fractions remitted

280. Under section 26 of Act VII of 1870, the Governor General in Council has also issued directions (*Notification no 1522, dated the 20th March 1885, Department of Finance and Commerce*), that the additional Court fee payable under section 19E of the said Act on probates and letters of administration shall be denoted either—

Manner of denoting additional Court fee payable under section 19E of Act VII of 1870

- (1) by impressed and adhesive stamps in the manner prescribed in Notification no 361 of 18th April 1883, or
- (2) wholly by adhesive stamps of the kind described in clause 1 of Notification no 361 of 18th April 1883.

281. The Lieutenant Governor has made the following rules for regulating the number of stamps to be used for denoting any fee chargeable under the Court fees Act (VII of 1870) —

Number of stamps to be used for denoting fees

Under section 27(b) of the said Act by Notification no 242/XIII—503A, dated the 29th August 1900 —

- (1) When, in the case of fees amounting to less than Rs 10, the amount can be denoted by a single adhesive stamp such fee shall be denoted by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp or if a single adhesive stamp of the required value is not available the next lower value available shall be used and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.
- (2) When in the case of fees amounting to or exceeding Rs 10 the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required

USE OF STAMPS

279. Under section 26 of Act VII of 1870 the Governor General the use of adhesive and the 18th April 1883, as the 29th March 1895, Department of Finance and Commerce) —

- (1) When in any case the fee chargeable under the said Act is less than Rs 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall be adhesive stamps of the size and pattern introduced in 1883, bearing the words "Court-fees" and containing three lines in the middle with the Queen's head and the value printed on the left side, or adhesive stamps of any different shape, size or pattern bearing the words "Court-fees", which may hereafter be issued for use in supercession of, or in addition to the adhesive stamps now in use.

Adhesive stamps to be used when fee chargeable is less than Rs 10

- (2) When in any case the fee chargeable under the said Act amounts to or exceeds Rs 10, such fee shall be denoted by impressed stamps bearing the words "Court-fees", adhesive stamps being only employed to make up fractions of less than Rs 10

Impressed stamps to be used in other cases

- (3) If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

Fractions remitted.

280. Under section 26 of Act VII of 1870, the Governor General in Council has also issued directions (*Notification no. 1522, dated the 20th March 1885, Department of Finance and Commerce*), that the additional Court-fee payable under section 19E of the said Act on probates and letters of administration shall be denoted either—

Manner of denoting additional Court fee payable under section 19E of Act VII of 1870

- (1) by impressed and adhesive stamps in the manner prescribed in Notification no 361 of 18th April 1883, or

- (2) wholly by adhesive stamps of the kind described in clause 1 of Notification no 361 of 18th April 1883

281. The Lieutenant Governor has made the following rules for regulating the number of stamps to be used for denoting any fee chargeable under the Court-fees Act (VII of 1870) —

Number of stamps to be used for denoting fees.

Under section 27(b) of the said Act by Notification no 212/XIII—5034, dated the 29th August 1900 —

(Use of stamps—Duties of Court officers.)

value is not available, an impressed stamp of the next lower value available shall be used and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower value available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 10.

- (3) Any adhesive stamps which may be used under rule (2) shall be affixed to the impressed stamp of the highest value employed in denoting the fee.

Under section 34 of the said Act by Notification no. 64/XIII—503A, dated the 11th February 1904 :—

- (4) Should no sheet of the particular value required be in stock the officer in charge of the Treasury, when the application is made at a Treasury, or the *ex officio* or licensed vendor, when the application is made to him, shall be bound to supply the smallest number of sheets which he can furnish so as to make up the required amount.

In cases where application is made for a stamp of higher value than Rs. 50 to a vendor licensed to sell such stamps, and the stamp applied for is not in stock, the licensed vendor shall certify in writing upon each sheet supplied and in his vend register that he is unable to furnish a single sheet of the required value.

Provided that—

- (a) no such certificate shall be required when no sheet of the required value has been issued by Government.
- (b) no such certificate shall be given by a licensed vendor in any case in which the stamp required exceeds in value the value of the sheet of highest value which such vendor is authorized to sell.
- (5) The certificate shall be in the following form :—

“Certified that _____, caste _____, resident of _____, has this day applied for _____ (here specify the value of the sheet applied for), and there being no sheet of this particular denomination procurable, I have furnished him with (two or more, as the case may be) of the following values, namely (here give detailed description of each sheet supplied), there being the smallest number of sheets with which it is possible for me to make up the required amount.”

DUTIES OF COURT OFFICERS.

Cancellation of Court fee labels.

282. Section 30 of Act VII of 1870 requires that such officer as the Court may appoint shall, on receiving any document bearing a stamp forthwith punch out the figure-head in such a way as to leave the amount signed on the stamp untouched.

Munsam's duty.

Under this section the Munsam will be appointed to punch all stamps on plaints and memoranda of appeal, and the official acting as Reader, or, if there be no such official the Munsam to punch all other stamps. The appointment will be made by written order.

The Munsam shall be responsible that all stamps received in the Court are punched.

(Duties of Court officers)

283. The officer appointed under the last preceding paragraph shall legibly record on the document below the stamps, the aggregate value and number of the stamps used to denote each separate fee

Aggregate value and number of stamps to be noted

Every memorandum of objection under O XLI, r 22 of the Code shall be endorsed by the Munsarim with a report as to the sufficiency of the Court fee, if any, paid thereon before such objection is heard

Endorsement of memorandum of objection as to sufficiency of Court fee

When two or more impressed stamps are used to make up the amount of the fee charged under the Court fees Act, and a portion of the subject-matter has been written on each sheet the writing on each sheet shall be attested by the signature of the person or persons executing the document, where the entire subject-matter has been engrossed on one sheet only the official who cancels the stamps under section 30 shall make on the first sheet of the document a note of the full Court fee having been paid and of the values of the stamps composing the fee and the note shall be signed by the presiding officer (or Munsarim) of the Court

284. In the Resolution of the Government of India, Finance Department, no 3323, dated the 24th September 1875, the Governor General in Council has been pleased in supersession of all existing orders on the subject, to direct that the Court or office issuing copies, certificates or other similar documents liable to stamp duty shall before issue cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure head nor that part of the label upon which its value is expressed. As an additional precaution the signature of the officer attesting the document with the date should be written across the label and upon the paper on either side of it. A portion of the stamp on the left side of the figure head shall be punched out under this resolution by the Munsarim on the issue of the copy, translation, certificate, probate or letters of administration

Punching out of labels on copies issued
First punching

On the filing of the document a second hole shall be punched in the stamp in the manner required in paragraph 282

Second punching

285. In the Resolution of the Government of India, Finance Department no 1763 dated the 24th July 1873 the Governor General in Council has been pleased to direct that the Record Keeper of every Court shall when a case is decided and the record consigned to his custody punch a second hole in each label distinct from the first and shall note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature

Second (or third) punching of labels

A portion of the stamp on the right side of the figure head shall be punched out under this resolution. In the case of documents mentioned in paragraph 284, this will be the third (and not merely the second) punching

In the Resolution of the Government of India, Department of Finance and Commerce, no 3047 dated the 5th September 1883 it was laid down that the directions of Resolution no 1763 dated the 24th July 1873 apply only to adhesive labels used under the Court fees Act, 1870. Impressed stamps used for denoting Court fees need not be cancelled or punched otherwise than as required by section 30 of the Court fees Act.

(Duties of Court officers—Vendors)

Destruct on of
pieces punched out

Report by District
Judge to Board when
probate is found to
have been granted
on insufficient duty

Forgery of stamps
to be reported to
Government

Courts to render
assistance to Collec-
tor in verifying
stamp returns

286. The portion of the stamp removed by the punching prescribed in paragraphs 282, 284, and 285, shall be burnt or otherwise destroyed by the officer charged with the duty of punching it out

287. Every District Judge shall, in having regard to the requirements of section 19E of Act VII of 1870, report directly to the Board of Revenue United Provinces every instance in which it appears, from accounts filed in probate and administration cases under sections 254 and 255 of Act X of 1865, and sections 76 and 77 of Act V of 1881 (amended by sections 12 and 13 respectively of Act VI of 1889), that the proper stamp duty was not realized at the time that probates or letters of administration were granted to executors or administrators

288. The presiding Judge of every Civil Court shall report immediately to the Local Government through the Commissioner of Stamps, United Provinces of Agra and Oudh, any instance of forgery or fraudulent use of any description of stamps, whether general, judicial postal or telegraph, coming to his notice. Such reports shall be accompanied by full particulars as to the nature of the forgery or fraud perpetrated and if possible by specimens, and shall in the case of Judges of Courts of Small Causes, Subordinate Judges, and Munsifs be made through their District Judge

289. The presiding officer of every Court shall render any assistance that may be required by the Deputy Commissioner of the district, as Collector of Stamp Revenue, and the Commissioner of Stamps, when inspecting the offices in order to verify the stamp returns or inquire into the causes of a deficiency of stamp revenue.

VENDORS

Stamp-vendors

290. Under the rules made in Notification no 25, dated the 20th April 1878 by the Local Government under section 27 of Act VII of 1870, for regulating the keeping of accounts of stamps, every *ex officio* vendor is required to keep a duly book of all sales of stamps issued to him for sale entering from time to time all fresh stamps received, and bringing down the balance at the close of each working day. This daily book shall be kept in the following form —

Date	Particulars	One anna.		Four annas		Eight annas		One rupee		Total	
		Number	Value	Number	Value	Number	Value	Number	Value	Number	Value
1st July	Balance from 30th June	Rs.	a	Rs.	a	Rs.	a	Rs.	a	Rs.	a
	Received from Treasury	.									
	Sold ..										
	Balance at close of day										
2nd July	So 1 ..										
	Balance at close of day	..									

(Vendors—Remission of Court-fees)

Under the same rules every *ex officio* vendor is required to forward to the Treasury office at the close of each month an abstract memorandum in the following form:—

Memorandum.

			Number of stamps	Value.
Balance in hand at the beginning of the month ..	..	..
Received during the month ..	..	..
		Total ..		
Sold during the month of ..	..	..
Balance at the close of the month of ..	..	..

Rupees of the sales during (the previous month) with Rs. of
(the current month) have been credited in (the subsequent month).

REMISSION OF COURT-FEES.

291. In Resolution no. 4650, dated the 10th September 1889, in the Department of Finance and Commerce, amended by Resolution no. 4344, dated the 6th October 1893, the Governor General in Council, under section 35 of the Court-fees Act, has been pleased, in exercise of the power to reduce or remit all or any of the fees mentioned in the First and Second Schedules to the said Act, to make the reductions and remissions hereinafter set forth, viz. —

Reduction and remission of fees

Act VII of 1870

A.—General for the whole of British India.

(4) To remit the fees chargeable on—

(a) copies of village settlement records furnished to landholders and cultivators during the currency or at the termination of settlement operations,

Village settlement records.

(b) lists of fields extracted from village settlement records for the purpose of being filed with petitions of plaint in Settlement Courts,

Lists of fields extracted from village settlement records.

to copies of judicial records (other than lists of Court or office

(5) To declare that the fee chargeable on a plaint filed in a suit for possession of immoveable property under section 9 of the Specific Relief Act, shall be one-half of the amount prescribed in the scale of fees for plaints mentioned in article I of the First Schedule.

Plaints under section 9 of the Specific Relief Act.
Act I of 1877.

(6) To direct that the Court-fee payable on appeals from orders made under clause (c) of section 244 of Act XIV of 1852 (section 47 of Act V of 1908), shall be limited to the amount chargeable under article 11, Schedule II of Act VII of 1870.

Appeals from orders under section 47, Code of Civil Procedure.

(Duties of Court officers—Vendors)

Destruct on of
pieces punched out

286. The portion of the stamp removed by the punching prescribed in paragraphs 282, 284 and 285, shall be burnt or otherwise destroyed by the officer charged with the duty of punching it out

Report by District
Judge to Board when
probate is found to
have been granted
on insufficient duty

287. Every District Judge shall, in having regard to the requirements of section 19E of Act VII of 1870, report directly to the Board of Revenue, United Provinces every instance in which it appears from accounts filed in probate and administration cases under sections 254 and 255 of Act X of 1865, and sections 76 and 77 of Act V of 1881 (amended by sections 12 and 13 respectively of Act VI of 1889), that the proper stamp duty was not realized at the time that probates or letters of administration were granted to executors or administrators

Forgery of stamps
to be reported to
Government

288. The presiding Judge of every Civil Court shall report immediately to the Local Government through the Commissioner of Stamps United Provinces of Agra and Oudh, any instance of forgery or fraudulent use of any description of stamps whether general, judicial postal or telegraph, coming to his notice. Such reports shall be accompanied by full particulars as to the nature of the forgery or fraud perpetrated and if possible by specimens and shall in the case of Judges of Courts of Small Causes, Subordinate Judges and Munsifs be made through their District Judge

Courts to render
assistance to Collector
in verifying
stamp returns

289. The presiding officer of every Court shall render any assistance that may be required by the Deputy Commissioner of the district as Collector of Stamp Revenue and the Commissioner of Stamps when inspecting the offices in order to verify the stamp returns or inquire into the causes of a deficiency of stamp revenue

VENDORS

Stamp vendors

290. Under the rules made in Notification no 25 dated the 20th April 1878 by the Local Government under section 27 of Act VII of 1870, for regulating the keeping of accounts of stamps every *ex officio* vendor is required to keep a daily book of all sales of stamps issued to him for sale entering from time to time all fresh stamps received, and bringing down the balance at the close of each working day. This daily book shall be kept in the following form—

Date	Particulars	One anna.		Four annas.		Eight annas.		One rupee.		Total.	
		Number	Value	Number	Value	Number	Value	Number	Value	Number	Value
			Rs. a.		Rs. a.		Rs. a.		Rs. a.		Rs. a.
1st July	Balance from 30th June										
	Received from Treasury										
	Sold ..										
	Balance at close of day										
End July	Sold ..										
	Balance at close of day										

(Vendors—Remission of Court-fees.)

Under the same rules every *ex officio* vendor is required to forward to the Treasury office at the close of each month an abstract memorandum in the following form:—

Memorandum.

			Number of stamps	Value
Balance in hand at the beginning of the month ..	..	..
Received during the month ..	..	..
		Total		
Sold during the month of ..	..	..
Balance at the close of the month of ..	..	..

Rupees of the sales during (the previous month) with Rs. of
(the current month) have been credited in (the subsequent month).

REMISSION OF COURT-FEES.

291. In Resolution no 4650, dated the 10th September 1889, in the Department of Finance and Commerce, amended by Resolution no 4344, dated the 6th October 1893, the Governor General in Council, under section 85 of the Court fees Act, has been pleased, in exercise of the power to reduce or remit all or any of the fees mentioned in the First and Second Schedules to the said Act, to make the reductions and remissions hereinafter set forth, viz:—

Reduction and remission of fees.

Act VII of 1870.

A.—General for the whole of British India.

(4) To remit the fees chargeable on—

(a) copies of village settlement records furnished to landholders and cultivators during the currency or at the termination of settlement operations,

Village settlement records

(b) lists of fields extracted from village settlement records for the purpose of being filed with petitions of plaint in Settlement Courts,

Lists of fields extracted from village settlement records.

Provided that the above provisions shall apply to copies of judicial settlement records (other than lists of) to be filed in any Court or office

(5) To declare that the fee chargeable on a plaint filed in a suit for possession of immoveable property under section 9 of the Specific Relief Act, shall be one-half of the amount prescribed in the scale of fees for plants mentioned in article 1 of the First Schedule.

Plaints under section 9 of the Specific Relief Act
Act I of 1877.

(6) To direct that the Court-fee payable on appeals from orders made under clause (c) of section 244 of Act XIV of 1882 (section 47 of Act V of 1908) shall be limited to the amount chargeable under article 11, Schedule II of Act VII of 1870.

Appeals from orders under section 47, Code of Civil Procedure.

(Remission of Court-fees)

Copies furnished
for private use

(9) To remit the fees chargeable under articles 6, 7 and 9 of the First Schedule on copies furnished by Civil or Criminal Courts, or Revenue Courts or offices for the private use of persons applying for them,

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Justice or received by any public officer

Applications for
payment of deposits

(10) To remit the fees chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of the Second Schedule on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs 25 in amount,

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application ;

* * * * *

(15) To remit the fees chargeable on the following documents, namely —

* * * * *

Copies furnished
to Government Ad-
vocate, &c

(g) copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court,

Ditto

(h) copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings,

Copies required by
Police officers

(i) copies of judgments or depositions required by officers of the Police Department in the course of their duties

* * * * *

Application for
return of documents

(17) To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public office

Suits relating to
a part of an estate
recorded as separate
ly assessed

(18) To direct that when a part of an estate paying annual revenue to the Government under a settlement which is not permanent, is recorded in the Collector's register as separately assessed with such revenue, the value of the subject matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall for the purposes of the computation of the amount of the fee chargeable in the suit be deemed not to exceed five times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share

Fraction of an
anna

(19) To direct that if the amount of the fee chargeable in any case involves a fraction of an anna the fraction shall be remitted, except where otherwise expressly provided by this notification

(19A) To remit the fee chargeable on an application for the grant of a license for the vend of stamps

Act VII of 1870

(19B) To remit the fees chargeable under Schedule II of the Court-fees Act, on applications for copies of the documents detailed in clauses (4) and (15)

* * * * *

(Remission of Court-fees—Refunds)

K.—Special for the Bombay Presidency, Bengal, the United Provinces, the Punjab, Lower Burma, the Central Provinces, Ajmere and Coorg

(48) To direct that, whenever upon payment of the full fee a certificate of administration has been granted under Act XL of 1858 (an Act for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal) or Act XX of 1864 (an Act for making better provision for the care of the persons and property of minors in the Presidency of Bombay), and a fresh certificate is for any reason subsequently granted in respect of the same estate, no fee shall be chargeable upon the fresh certificate so granted.

Now Act VIII of 1890

REFUNDS.

292. Refund of Court-fees shall be obtained by means of a refund certificate which may be granted in one of the three following ways —

Refund of Court-fees

- (a) on an application for refund to a Court (see paragraph 293),
- (b) on an application for refund to the Collector supported by a certificate from the Court concerned that the refund ought to be granted (see paragraph 299), or
- (c) on an application for refund made directly to the Collector without the intervention of a Court (see paragraph 300)

293. A Civil Court may order a refund of Court fees under sections 10, 13, 14 or 15 of Act VII of 1870

Refunds by a Civil Court

294. Such order shall be made on an application hearing an office report or on an office report

Order for refund.

The presiding Judge shall with his own hand note in figures the amount to be refunded

295. The refund shall be made by a certificate for refund in Form 88 granted by the Court to the person entitled to such refund, authorizing him to receive from the Collector the amount therein specified. Before signing such certificate the Judge shall refer to the order mentioned in the preceding paragraph

Refund certificate.

296. In District Courts and Courts of Small Causes the certificates for refund shall be prepared in English

Method of preparation of certificate

In other Courts they may be prepared in *Urdu*.

If a certificate is prepared in *Urdu*, the sum to be refunded or paid shall be written both in words and in English figures, and a brief abstract stating the amount, the name of the payer, and the nature of the payment shall be endorsed in English on the certificate—

- (1) by the presiding Judge with his own hand before issue of the certificate if he is acquainted with English, and
- (2) at the Treasury after encashment of the certificate, if the presiding Judge is not acquainted with English

297. Part I of the certificate (Form 88) shall be retained in the Court and Parts II and III shall be made over to the person to whom the refund or payment is to be made, for presentation to the Collector or officer appointed for the purpose by the Collector

Procedure in respect of payment of refund.

Such presentation shall be made within one month from the date of the certificate and the certificate shall not remain in force for more than one month

On the refund or payment being made at the Treasury or Sub Treasury, the officer in charge shall fill up Part III and return it to the Court which granted the certificate, retaining Part II as his voucher for the refund or payment

Provided that in the case of refunds where the amount to be refunded does not exceed Rs 100, the person entitled to the refund may—

- (a) apply that the amount due, minus postal commission, be forwarded to his address by postal money order,
- (b) obtain on the application the countersignature of a Judge, Munsif, or Magistrate as to his identity, and
- (c) forward his application countersigned, as aforesaid, to the Judge and if the identity seems sufficiently established, Parts II and III shall be sent to the Treasury Officer who shall issue a postal money order in favour of the applicant for the sum due less postal commission

On the issue of the money order from the Treasury the officer in charge shall fill up Part III and return it to the Court which granted the certificate, retaining Part II as his voucher for the refund

Court's procedure
after payment

298. On receipt of Part III, such officer, as the presiding Judge may appoint in this behalf, shall—

- (1) paste Part III to Part I noting on the former the date of its receipt from the Treasury or Sub Treasury,
- (2) certify below the order of the presiding Judge directing the refund or payment that the refund or payment has been made,
- (3) file the document on which the refund or payment was ordered, with the record, unless it has already been so filed,
- (4) record in red ink a certificate in the following form on the document bearing the stamp or stamps in respect of which the refund or payment has been made and obtain the signature of the presiding Judge thereto —

"Certified that the sum of _____ has been refunded (or paid, as the case may be) under certificate no. _____, dated _____"

Refunds by the
Collector upon ap-
plication supported
by Court's certifi-
cate recommending
refund

299. In Notification of the Government of India Finance Department no 4650, dated the 10th September 1889, the Governor General in Council has been pleased to direct that when a plaint disclosing a reasonable case on the merits is presented to any Civil Court in such a form that the presiding Judge or officer without summoning the defendant reports it not for any substantial defect, but on account of an entirely technical error in form only and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the Court is situated, together with a certificate from the Judge or officer who received the plaint to the effect that it was received under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded

(Refunds)

300. Refund of Court-fees is made by Collectors under the following Notification of the Government of India, Department of Finance and Commerce, no 132, dated the 11th January 1888 — Refunds by the Collector

In supersession of all existing orders on the subject, the Governor General in Council is pleased to authorize the refund of the value of impressed Court-fee stamps and of Court-fee adhesive labels in accordance with the following rules —

- 1 (a) When any person is possessed of impressed Court-fee stamps, for which he has no immediate use, or which have been spoiled or rendered unfit or useless for the purposes intended, or,
- (b) when any person is possessed of two or more (or, in the case of denominations below Rs 5, four or more) Court fee adhesive labels *which have never been detached from each other* and for which he has no immediate use,

the Collector shall on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Collector's satisfaction that they were purchased by him with a *bona fide* intention to use them, that he has paid the full price thereof, and that they were so purchased or, in the case of impressed Court fee stamps so purchased, spoiled or rendered useless, within the period of six months preceding the date on which they are so delivered. Provided that Local Governments may, in special cases, allow refunds when application is made within one year from the date of purchase of the stamps or labels or, also in the case of impressed Court-fee stamps, within one year from the date on which the stamps were spoiled or rendered useless. The Local Governments may at their discretion delegate this power to any subordinate authority*.

2 When a licensed vendor surrenders his license or dies, the Collector may, at his discretion, if he considers that the circumstances justify the application, repay to him or his representatives, as the case may be, the value of stamps and labels, not spoiled or rendered unfit for use, returned into the Collector's store, deducting one anna in the rupee, or he may issue stamps and labels of other values in exchange, provided that in the case of adhesive Court fee labels their value may not be refunded nor stamps and labels of other values issued in exchange, unless in cases where the value of each label is not less than Rs 5, there are at least two such labels which have never been detached from each other, and in cases where the value of each label is less than Rs 5, unless there are at least four such labels which have never been detached from each other.

3 When adhesive labels are attached to impressed sheets of Court fee stamps, in accordance with the directions contained in Notification by the Government of India in this department no 361, dated the 18th April 1883, such labels should be regarded as impressed stamps for the purposes of refund under these rules.

* Note — The Local Government has delegated its power under this paragraph to all Commissioners of divisions in the United Provinces of Agra and Oudh (G O no 1/XIII—15, dated the 3rd January 1890)

(Arrangement in files.)

Classification of records.

317. Records may be classed as those of—

- (a) original suits ;
- (b) appeals ;
- (c) execution cases ;
- (d) miscellaneous judicial cases relating to other cases ;
- (e) miscellaneous judicial cases *not* relating to other cases ;
- (f) miscellaneous non-judicial cases relating to other cases ;
- (g) miscellaneous non-judicial cases *not* relating to other cases.

Classes (a) and (b) will each have a separate bundle assigned to them. Two bundles will be assigned to class (c), one for cases in which decrees have been recorded as satisfied in full or declared incapable of execution, and the other for other applications for execution disposed of. Classes (d) and (f), when the cases relate to other cases pending in the same Court, will be incorporated by the official in charge of the records with the records of those other cases, and when they relate to cases not pending in the same Court, they will be put into two separate bundles. Classes (e) and (g) will each have a separate bundle assigned to them.

Miscellaneous judicial cases relating to other cases.

318. Miscellaneous judicial cases relating to other cases are the following proceedings or proceedings on the following applications :—

1. Applications under O. IX, r. 4, O. IX, r. 9, O. IX, r. 13, O. XLI, r. 19 and O. XLI, r. 21 for the restoration to the file of a suit or appeal dismissed on default or decreed *ex parte*.
2. Cases under section 47 and O. XXI, r. 16.
3. Claims to, and objections to the attachment of attached property under O. XXI, r. 58 and O. XXXVIII, r. 8.
4. Applications for delivery of possession under O. XXI, r. 95 and O. XXI, r. 96.
5. Complaints under O. XXI, rr. 97 and 98 by decree-holder or purchaser of resistance to possession being given.
6. Applications under O. XXI, r. 100.
7. Applications under O. XXI, r. 99.
8. Applications by creditors under section 24 of Act III of 1907.
9. Inquiries under O. XXI, r. 2 on application of judgment-debtor as to payment to decree-holder.
10. Applications under O. XLVII, r. 1 for review of judgment.
11. Applications under O. XXI, r. 66 by lien-holders to notify their encumbrances not ascertainable through the Registration and Collector's offices.
12. Proceedings under O. XXI, r. 72.
13. Applications under O. XXI, rr. 90-93.
14. Applications for re-admission or rehearing of an appeal, O. XLI, rr. 19 and 21.
15. Applications under section 152 of the Code.
16. Applications for revision under section 73 of U. P. Act III of 1892.

(Arrangement in files)

319. Miscellaneous judicial cases not relating to other cases are the following proceedings or proceedings on the following applications —

Miscellaneous judicial cases not relating to other cases

- 1 Orders rejecting or returning plaints or memoranda of appeal
- 2 Applications under sections 22 and 24 of the Code to transfer a suit pending in a subordinate Court
- 3 Applications under the Provincial Insolvency Act, III of 1907, section 5
- 4 Commissions under O XXVI, r. 4 for the examination of witnesses received from other Courts and executed by the Court
- 5 Applications under O XXXIII, r. 2, and O XLIV, r. 1 for permission to sue or to appeal in *forma pauperis*, when rejected
- 6 Miscellaneous criminal proceedings under O XVI, rr. 12 and 17, and sections 195, 476, 478 and 480 of Act V of 1898
- 7 Cases under section 14, Act XVIII of 1879
- 8 Cases regarding the property of deceased persons
- 9 Applications under section 83, Act IV of 1882, by mortgagors for redemption and by mortgagees for foreclosure.
- 10 Applications under Act XIX of 1841.
- 11 Applications for certificate of guardianship of minors or of administration of their property under Act VIII of 1890, or for revocation of such certificates
- 12 Other applications under Act VIII of 1890
- 13 Applications regarding the care of lunatics' estates and the guardianship of their persons under Act XXXV of 1858.
- 14 Applications for certificates under Act VII of 1889
- *15 Uncontested applications for probate under Acts X of 1865 and V of 1881
- *16 Uncontested applications for letters of administration under Acts X of 1865 and V of 1881
- 17 Cases under Parts III and IV, Act I of 1894
- 18 Cases under section 265, Act IX of 1872
- 19 References by Collectors under paragraph 5, Schedule III of the Code

320. All miscellaneous cases other than those specified in paragraphs 318 and 319 are miscellaneous cases, non judicial and will be placed in the bundle appropriated to records of class (f) or class (g) according as they relate, or do not relate, to other cases

Miscellaneous cases, non judicial

Provided that an application for inspection or copies of any paper in a record of which the file D has been used will be kept along with all other such applications in a separate bundle in the record room

321. In file A shall be placed the following papers in original suits, appeals [other than the appeals mentioned in paragraph 322 (2)], execution cases, and miscellaneous judicial cases relating or not relating to other cases,

List of papers to be placed in file A

*Note — As to such applications when contested see note (c) on paragraph 321

(Arrangement in files)

where such suits, appeals, or cases affect immovable property or personal status or relate to public trusts, charities, or endowments, namely —

- (1) Order sheet.
- (2) Plunt
- (3) Any schedule annexed to a plaint
- (4) Orders under O I, rr. 8 to 10 and O. XLI, r. 20.
- (5) Authority under O I, r 12
- (6) Order granting leave under O II, r 2 (3)
- (7) Summons, notice or order, with return of service thereon
- (8) Orders under O IX, rr 9 and 13 and O XLI, rr 19 and 21.
- (9) Written statements and additional written statements under O VIII.
- (10) Examination under O X, including record of admissions and denials by parties under r 1
- (11) Original documents, including surety bonds, and genealogical tables
- (12) Evidence or memorandum of evidence under O LVIII, rr. 5 and 8
- (13) Evidence on the issues taken by affidavits
- (14) Final order or judgment
- (15) Decree, including decree under section 47 of the Code
- (16) In mortgage cases, the order absolute after decree under O. XXXIV
- (17) Award of arbitrators, petition of compromise, commissioner's map referred to in decree, and statement recording confession of judgment
- (18) Memorandum of appeal, objection, judgment, and decree in first appeal, and certified copy of every judgment, decree and order forwarded by the Judicial Commissioner's Court.
- (19) Application and order under O XXI, r 16
- (19A) Order for sale of immovable property of a surety or judgment debtor.
- (20) Final order under O XXI, rr 60, 61, 62, 92, 99 and 101.
- (21) Receipt of acknowledgment of satisfaction of decree
- (22) Order in execution declaring decree to be fully satisfied or to be incapable of execution
- (23) Acknowledgment of receipt of possession
- (24) Court copy of certificate of sale
- (25) Orders under Ord rs XXII, XXXI, XXXII and XLVII.
- (26) Authority under O XXVIII, r 1.
- (27) Any other papers which the presiding Judge may, for reasons to be recorded in writing, order to be placed in file A.

(Arrangement in files)

Note—The expression "original suit" used above shall be held to include—

- (a) suits remanded under section 121D of Act XXII of 1886 by a District Judge upon appeal from the decision of a Revenue Court to a subordinate Civil Court on the ground that the suit was wrongly instituted in a Revenue Court,
- (b) suits for the recovery of money by the enforcement of an hypothecation lien against immoveable property,
- (c) proceedings upon contested applications for Probate and Letters of Administration under Acts X of 1865 and V of 1881 (see section 261 and section 88 of these Acts respectively)

322. File B shall consist of—

- (1) in the case of all suits, appeals, execution and miscellaneous judicial cases—other than (a) the suits, appeals and cases affecting immoveable property etc as described in paragraph 321, (b) Small Cause Court suits as described in paragraphs 324 (2) and 325 (1), and (c) the appeals mentioned in clause (2) of this paragraph—the papers enumerated in paragraph 321,
- (2) in the case of appeals to the Civil Court under U P Act III of 1901 and under Act XXII of 1886, such of the papers enumerated in paragraph 321 as are brought upon the record after the presentation of the memorandum of appeal in the Civil Court, together with the memorandum of appeal

Papers to be placed in file B

Provided always that a Judge may for reasons to be recorded in writing direct, in lieu of file B file A be prepared and kept in any of the above-mentioned suits, appeals and cases

323. The execution cases affecting immoveable property contemplated by paragraph 321 are execution cases resulting in the sale of immoveable property and not merely cases wherein the sale of immoveable property is applied for

File A or file B in execution cases

Accordingly in all execution cases the papers mentioned in paragraph 321 shall be placed in file B, unless and until the sale of immoveable property becomes absolute as soon as such sale becomes absolute the letter B throughout the record shall be changed to the letter A

324. File C shall consist of—

- (1) in the case of such suits, appeals, and cases as are described in paragraphs 321 and 322, all papers other than the papers mentioned in paragraph 321 and in paragraph 325 (2),
- (2) in the case of suits tried by a Court of Small Causes or by any other Court in the exercise of the jurisdiction of a Court of Small Causes, unless and until it appears from the decree or other order on the record that no party is entitled to receive anything, all papers other than the papers mentioned in paragraph 325(2),
- (3) in the case of miscellaneous non judicial cases and every other case not otherwise provided for in this chapter, all papers other than those enumerated in paragraph 325 (2)

Papers to be placed in file C

(Arrangement in files—The record room.)

Contents of
file D.

325. File D shall consist of—

- (1) in the case of suits tried by a Court of Small Causes or by any other Court in the exercise of the jurisdiction of a Court of Small Causes, the record of such suits where it appears from the decree or other order on the record that no party is entitled to receive anything;
- (2) in the case of all other suits or cases,
 - (a) summonses to witnesses,
 - (b) copies of processes,
 - (c) lists of witnesses,
 - (d) petitions relating to the attendance of witnesses and to adjournments,
 - (e) precepts and proceedings calling for or sending papers or records, and
 - (f) affidavits relating to matters mentioned in the rule.

With reference to clause (1) of this paragraph the Reader shall, as the case may be granted, case falls within to the letter D

THE RECORD ROOM.

District record
rooms.

326. At the headquarters of every district in Oudh there is a record room for the preservation of the records of the Civil Courts ordinarily sitting in such district. Where there is the Court of a District Judge at headquarters, the record room is attached to such Court; otherwise to the Court of the Subordinate Judge at headquarters.

The provisions of this chapter shall apply to all such record rooms: provided that no record shall ordinarily be retained in the record room attached to the Court of a Subordinate Judge at headquarters for more than six years from the date of decision, but shall after such date be forwarded to the record room of the District Judge to whom such Subordinate Judge is subordinate.

Record rooms
open to inspection
of officers of Stamp
Department.

327. In each district, the District Judge shall see that the District Judge's Clerk and the District Judge's Assistant have a thorough discharge of their duty.

Transmission of
record to record
room.

328. On or before the 26th of the month next succeeding that to which each bundle relates the bundles containing the records of each class will be transmitted to the record room.

Entry in suit
registers of records
consigned to re-
cord room.

329. With the records thus transmitted to the record room by any Court at headquarters, the Court registers applicable to the suits or cases of which the records are transmitted shall be sent, and the Record Keeper shall enter his signature and the date, in the column prescribed for the purpose, against the entry of each case the record of which has been received by him.

When records are transmitted to headquarters by an outlying Court, in the case of a Munsif's Court, the Reader, and, in the case of an Honorary

(The record room.)

Munsif's Court, any official appointed for the purpose by the presiding officer, shall note in the appropriate register "Consigned to the record room" in the column prescribed for the Record Keeper's signature against each case, the record of which has been sent and shall date and initial the note

330. Every subordinate Court (including the Courts of the Honorary Munsifs, shall, on the 28th of every month, submit a certificate to the District Judge to the effect that all the records which should have been transmitted to the record room under this rule have been so transmitted, or explain the cause of delay, if any records have not been transmitted. Except in the Courts of the Honorary Munsifs, the certificate mentioned above shall be prepared and signed by the Reader, and countersigned by the Munsarim, before it is laid before the presiding Judge for signature, and both these officials shall be responsible for its correctness. In the Court of an Honorary Munsif the certificate shall be signed and certified as correct by the presiding officer. The Record Keeper shall bring to the notice of the official in charge of the record room all cases of delay in receipt of records

Monthly certificate of consignment of records

331. Each bundle transmitted to the record room will be accompanied by a list (Forms 39, 40, 41, 42 or 43) of the records it contains, prepared by the official in charge of the records, and signed by the chief ministerial officer of the Court

Each bundle transmitted to contain list of contents

The list, which will be in a printed form, always uniform in size, will be placed on the top of the records before the bundle is closed

332. Each bundle will be sewn up and sealed in the presence of the chief ministerial officer of the Court. In the case of only one Munsif's the bundles of each class will be sewn up into one large bundle, and placed in a strong tin-lined box provided with duplicate keys, one of which will remain in the Court of the Munsif and the other in the record room of the District Judge or Subordinate Judge's Court, as the case may be. The cost of transmission will be treated as a contingent charge of the District Judge's or Subordinate Judge's Court.

Packing and transmission.

333. The District Judge will from time to time give instructions to the Courts subordinate to him as to the mode of transmission of the bundle, whether by railway or otherwise

Ditto

334. With the bundles will be sent an invoice in Form 45, the upper portion of which will be filled up in the Court transmitting the records and be signed by the chief ministerial officer of that Court. On receipt of the bundles the Record Keeper, after comparing the entries in the invoice with the lists (Forms 39 to 43) accompanying the bundles and with the number of records of each class actually received, will, if the invoice be found to be correct, sign the acknowledgment at the foot of it and return it to the Court from which it was received. If the invoices be found to be incorrect, he will acknowledge the receipt of the records, actually received, and report the discrepancy for the orders of the District Judge or Subordinate Judge

Invoices

335. Till the bundles are examined by the Record Keeper as provided in the next paragraph, they will be kept in a rack set apart for the purpose

Bundles pending examination.

(The record room)

Record Keeper's examination of records received

336. As soon as may be, after the bundles have been received the Record Keeper will compare the papers in each record with the general index (Form 33) and satisfy himself—

- (a) that the papers in the record correspond with those entered in the general index (Form 33),
- (b) that files A or B C and D respectively contain the papers properly appertaining to each,
- (c) that documents in the record bear no blots erasures or interlineations, but those noted in the general index (Form 33),
- (d) that the papers bear the stamps entered in the general index (Form 33),
- (e) that the stamps have been duly cancelled,
- (f) that on each paper the number and aggregate value of the stamps on it have been recorded,
- (g) that the rules made by the Local Government for regulating the number of stamps to be used for denoting fees have been complied with
- (h) that there is nothing suspicious in the appearance of the stamps,
- (i) that all orders have been duly signed and
- (j) that all necessary receipts are in the record

Record Keeper's certificate of correctness or report to Judge

337. If the record be found to be in order, the Record Keeper, the Deputy Record Keeper or the Assistant Record Keeper will record a certificate to that effect at the top of the general index (Form 33). If the record be found to be defective in any respect he will report its condition in writing for the orders of the District Judge or Subordinate Judge as the case may be, and the report with all other papers consequent on it will, after being entered in the general index (Form 33), be filed with the record

Examination when to be completed

338. The examination of the records of each bundle must be completed by the 25th of the month succeeding that in which they were received

Lists to be stitched into file-book and serve as register of decided cases

339. As soon as the examination of the records in each bundle is completed the list (Forms 39 to 43) that accompanied the bundle will be stitched into a file book, and at the end of the calendar year the list of each class of records will be separately bound up for each Court so as to constitute registers of decided cases useful for the purpose of tracing and identifying records. No other registers of decided cases will be kept up in the record room

Shelves for each Court

340. In each district record room there shall be assigned as far as possible, a separate part of a rack or one or more separate racks to each Civil Court. The records of each Court will be arranged with reference to the date of decision in bundles as prescribed by the following paragraph

(The record room)

341. The various classes of records will be dealt with in the following methods respectively —

Arrangement of records

(1) The records of all original suits decided in a month shall be kept in one or more bundles

Original suits

(2) (a) The records of appeals from decrees will be put up with the records of the original suits in which they relate and an entry of the date on which they are put up will be made in column 12 of the list of appeals (Form 40) and appropriate entries will also be made in columns 9 and 10 of the list of original suits (Form 39). The record of an appeal in which an order of remand has been made under O. A. L. R. 23, will not be put up with the record of the original suit until the original suit has been disposed of after remand. In such case a note will be made in the column of remarks in the list of appeals (Form 40) as to the fact of a remand having been made under that section and until the record of the appeal is put up with the record of the original suit, no entry will be made in column 12 of the list (Form 40). The records of appeals from orders will be similarly dealt with.

Record of appeals from Civil Courts

(b) The records of appeal to a Civil Court from a Court of Revenue shall be retained by the Civil Court and kept in monthly bundles. The record of the Court of Revenue together with a copy of the judgment and decree of the Civil Court certified as required by O. A. L. R. 37, shall be returned to the Court of Revenue and a note of such return shall be made in the column of remarks of Form 40. Provided that when in an appeal from a Court of Revenue a Civil Court determines that the suit was wrongly instituted in a Court of Revenue and under section 124 D of Act XXII of 1886 remands the suit to a subordinate Civil Court, the record of the Court of Revenue shall be deemed to be and be treated as a record of a suit instituted in a Civil Court. A certified copy of the judgment and decree of the appellate Court shall be sent to the Court of Revenue.

Appeals from Revenue Courts

(3) The records of execution cases shall—

Execution cases

(a) if they contain no file D be at once put up with the original suit or case to which they relate

(b) if they contain a file D be kept in the separate bundle of such cases until file D is destroyed in accordance with paragraph 344. After the destruction of file D the records will be with which they are be made in columns 11 and 12 of the list of original suits (Form 39).

(4) The records of miscellaneous cases relating to other cases whether judicial or non judicial will be put up with the connected case subject to paragraph 342.

Miscellaneous cases relating to other cases

(5) The records of miscellaneous judicial cases not relating to other cases shall be kept in quarterly bundles.

Miscellaneous cases judicial.

(6) The records of miscellaneous non judicial cases not relating to other cases shall be kept in annual bundles.

Miscellaneous cases non judicial.

(The record room—Destruction and preservation of records)

Treatment of miscellaneous case relating to pending case

342. When the other case to which a miscellaneous case disposed of in any month relates is pending the record of the miscellaneous case will be put up with that of the other case by the proper officer of the Court but the miscellaneous case will be entered in the list of miscellaneous cases (Form 43) for the month in which it was disposed of a note being made in the column of remarks as to the fact of the record being so put up. A similar note will be made on the general index (Form 33) of the other case with which the record of the miscellaneous case has been put up.

Arrangement of records in and labelling of bundle

343. In every bundle the records shall be arranged according to their date of decision.

To each bundle shall be attached a label showing the year month and class of records therein.

The Judge of the District Court may assign different coloured *tashtas* to the different Courts within the local jurisdiction.

DESTRUCTION AND PRESERVATION OF RECORDS

Preservation and destruction of respective files

344. File A shall be permanently preserved.

File B shall be destroyed at the end of 20 years from the date of decision of the original suit or case.

File C shall be destroyed at the end of 12 years from the date of decision of the original suit or case.

File D shall be destroyed at the end of 3 years from the date of decision of the suit or case.

Provided always that a Judge may at the termination of a suit or of any application for execution by a decree holder pass an order directing that the papers in file C and file D as the case may be may be marked and dealt with as papers in a file A or B.

Provided also that file D in the record of any miscellaneous case not relating to a suit or other case shall be destroyed at the end of one year from the date of final order.

In cases of doubt the Record Keeper shall take the orders of the District Court as to the date of destruction.

Period of retention of books and registers in Court before consignment to record room

345. The following registers and books will be retained in each Court for the period specified against them on the expiry of which they will be transmitted not later than the 31st March following the period prescribed for their retention to the record room of the District Judge or Subordinate Judge as the case may be accompanied by a list in Form 44 columns 1 to 6 of which shall be filled up in the Court forwarding and columns 7 and 8 in the record room receiving the books registers and papers. The list shall be pasted into a file book kept for this purpose in the record room a separate file being assigned to each Court —

- (1) *Despatch register* — One year after completion
- (2) *Process despatch register* (paragraph 515) — One year after completion
- (3) *Register of miscellaneous cases* — One year after completion
- (4) *Register of receipts of deposits* — Three years after all the items recorded in the register have been disposed of
- (5) *Register of petty receipts and repayments* — Three years after all the items recorded in the register have been disposed of

(Destruction and preservation of records.)

(6) *Register of applications for execution of decrees and orders.*—Twelve years after completion.

(7) *Register of civil suits*—Fifteen years after completion.

(8) *All other registers and books*—Until completion

346. The District Judge will from time to time issue such instructions as may be necessary in respect of the duties to be discharged by each subordinate of the Record Keeper, not being inconsistent with general instructions by the Judicial Commissioner on the matter

Duties of office
subordinate to
Record Keeper

347. The following papers shall be destroyed on the expiration of the periods specified against them, computed from the 1st January of the year succeeding that to which they relate —

Period of retention
of periodical
returns, etc.

Number	Description of paper	Period of retention
1	Applications for inspection or copies of any papers in a record of which the file D has been weeded	One year
2	Periodical statements and returns and office copies of the same ..	"
3	Proceedings of other Courts and offices forwarding summonses, notices, proclamations and the like	"
4	Proceedings of lower Courts calling for records, asking for information, and the like	"
5	Reports from ministerial officers not relating to particular suits or cases ..	"
6	Applications for leave, or from candidates for employment, or any other proceedings, reports and applications not relating to particular suits or cases	"
7	File-books of post office receipts	"
8	"	"
9	"	"
10	"	"
11	"	"
12	Fortnightly statement of work done by copyists (paragraph 380) ..	"
13	Lists of unexpended diet money (paragraph 372)	"
14	Office copies of lists of landed property sent to Deputy Commissioner (Paragraph 543)	"
15	Monthly list of property attached (paragraph 207)	"
16	Invoice counterfoils (Form 45 paragraph 334)	Three years
17	Counterfoils of receipts granted for payments into Court (Form 21) ..	"
18	"	"
19	" received	"
20	File books of monthly extracts from registers of receipts and repayments of deposits (Forms 28 and 29, paragraph 603)	"
21	Plus and minus memoranda and file books of the same (paragraph 603) ..	"
22	Applications for renewal of certificates of pleaders and magistrates and cancelled certificates	"
23	Counterfoils of certificates for refunds of Court fees (paragraph 205) ..	"
24	File-book of tenders by letter (paragraph 545)	"
25	Stock-account of forms (paragraph 511)	Five years
26	Stock book of stationery	"
27	Stock register of furniture (paragraphs 677 and 678)	"
28	Counterfoils of repayment order books (paragraph 540)	Twelve years

Provided that the District Judge may, in his discretion, direct the retention, for a longer period or permanently, of papers which he may consider likely to be useful in the future, as containing the results of inquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice and

(Destruction and preservation of records.)

provided also that no Court subordinate to the District Judge shall cause any papers to be destroyed under this rule without having first obtained his permission in writing to do so.

348. The following books and registers shall be retained for the periods specified against them —

Number	Description of book	Period of retention after date of completion
1	Register of persons committed to jail (para 512)	One year
2	" " " " " " " "	"
3	" " " " " " " "	"
4	" " " " " " " "	"
5	" " " " " " " "	"
6	" " " " " " " "	"
7	" " " " " " " "	"
8	" " " " " " " "	"
9	" " " " " " " "	"
10	" " " " " " " "	"
11	" " " " " " " "	"
12	Register of apprentices (para 520)	"
13	" " " " " " " "	"
14	" " " " " " " "	"
15	" " " " " " " "	Three years
16	" " " " " " " "	"
17	" " " " " " " "	"
18	" " " " " " " "	"
19	" " " " " " " "	"
20	" " " " " " " "	"
21	" " " " " " " "	"
22	" " " " " " " "	"
23	" " " " " " " "	"
24	" " " " " " " "	"
25	" " " " " " " "	"
26	" " " " " " " "	"
27	" " " " " " " "	Twelve years
28	" " " " " " " "	"
29	" " " " " " " "	"
30	" " " " " " " "	"
31	" " " " " " " "	Permanently
32	" " " " " " " "	"
33	" " " " " " " "	"
34	" " " " " " " "	"
35	" " " " " " " "	"
36	" " " " " " " "	"
37	" " " " " " " "	"
38	" " " " " " " "	"
39	" " " " " " " "	"
40	" " " " " " " "	"
41	" " " " " " " "	"
42	" " " " " " " "	"
43	" " " " " " " "	"
44	" " " " " " " "	"
45	" " " " " " " "	"
46	" " " " " " " "	"
47	" " " " " " " "	"
48	" " " " " " " "	"
49	" " " " " " " "	"

Provided that no Court subordinate to the District Judge shall cause any books or registers to be destroyed under this rule, without having first obtained his permission in writing to do so

(Destruction and preservation of records—Transmission and return of records)

349. Month by month the files, of which the period for retention has expired, shall be removed from their records under the personal supervision and responsibility of the Record Keeper, and shall be burnt in his presence, and he shall take special precautions to prevent the removal of any Court fee stamps. The Record Keeper shall note upon the general index of the case the date of destruction of the papers in such file.

Monthly destruction of files

350. In the selection of books and papers to be destroyed after the expiration of the periods specified for their retention in paragraphs 347 and 348 the procedure prescribed in the last preceding paragraph shall so far as it can be made applicable, be followed by the officer in charge of such books and papers.

Destruction of books and papers

Such books and papers shall be torn up and sold as waste paper, and the proceeds shall be credited to the Judicial Record Fund.

351. No ministerial officer shall take out of the office any judicial file or any portion of it. A single dereliction of this rule will render the defaulter liable to dismissal from office.

Removal of files by ministerial officers prohibited

TRANSMISSION AND RETURN OF RECORDS

352. Ordinarily no record shall be issued except on the requisition of a Civil or Criminal Court or a Court of Revenue of the Government of the Board of Revenue of the Commissioner of the division, or of the Commissioner of Excise and Stamps or the Inspector General of Registration or of the District Stamp Officer acting under the powers with which from time to time he may be invested, and then only on an order of the presiding Judge under paragraph 353. In all other cases before a record is issued the orders of the Judicial Commissioner shall be taken on the subject.

Provisions governing issue of records

Original records should not be called for at the instance of a private party if certified copies thereof are admissible in evidence to prove facts for the proof of which the record is required, and can be obtained without unreasonable delay and expense.

When a requisition for a record is made by a Civil or Criminal Court or by a Court of Revenue it should be stated in the requisition that the Court has satisfied itself that the production of the original record is actually necessary.

353. Every requisition for a record or portion of a record shall be made upon a printed form. If the record or portion of a record be required from a Civil Court the form of requisition used shall be Form 81 and columns 1 to 7 shall be filled up by the Court calling for the record. If the record be required from a Court of Revenue the form of requisition used shall be Form 83, and columns 1 to 8 shall be filled up by the Court calling for the record. The requisition shall state distinctly whether the cost of transmission is to be borne by Government or not and if not whether the provisions of Act VII of 1870 as amended by Act XIV of 1911 have been complied with.

Forms of requisition

A requisition under Order XIII r. 10 for a record pertaining to, and in the custody of a High Court other than the Court of the Judicial Commissioner of Oudh or pertaining to and in the custody of a Court subordinate to such other High Court shall be transmitted through the

(Transmission and return of records)

Court of the Judicial Commissioner of Oudh and shall be accompanied by a copy of the affidavit required under that section, together with a duly certified translation into English, if such affidavit be not in English.

Where the requisition is only for a portion of a record, a copy of the portion required shall be made at the applicant's expense, be duly examined and certified as a true copy, and placed upon the record and then the original document or documents required shall be sent. When the portion of the record is received back in the Court or the record room the applicant shall be entitled to have the copy returned to him on application, for the same.

Record Keeper's
procedure

354. No requisition for a record or portion of a record shall be complied with except in accordance with an order of the Judicial Commissioner, the District or Subordinate Judge at headquarters, or of the presiding Judge of the Court in which the record is. The Record Keeper, or with the consent of the Judge the *ahlmad* in charge of the record on receiving such order, shall comply with the same, and shall send the record or portion under cover of a printed form for transmission (Form 82). Columns 1 to 10 shall be filled up in the record room or in the transmitting Court and in column 14 the Record Keeper, or Munsarim as the case may be, shall certify whether the record or portion does or does not contain all the papers entered in the general index of the record. The form of requisition received shall be placed in the bundle from which the record was taken.

Fixed payment to
meet postal charges

355. When, upon the application of a decree holder, under section 39 of the Code, a decree is to be sent for execution to another Court and postal charges have to be incurred, the decree holder shall, before the decree is sent, pay into Court a fixed sum of 12 annas. Such payment shall be certified by the Court on the application or, in the absence of an application, on the order of the Court directing the decree to be sent and shall cover all expenditure on service labels or registration connected with the sending of the decree, and incurred in pursuance of the application or order on which the payment is certified. Expenditure under this paragraph may be considered in allowing costs.

Ditto

356. Such payments shall be entered in the register of fixed postal fees (Form 17A), and shall without delay be remitted to the Treasury to be credited to Government under the head of 'Miscellaneous Receipts'.

Register of re-
quisitions

357. The Record Keeper and the Munsarim of each Court shall keep up a register of requisitions for records (Form 80) columns 1 to 9 of which shall be filled up as soon as a requisition is received and column 10 when the record is transmitted.

Ditto

358. Once every three months the Record Keeper shall lay his register of requisitions before the District Judge and the Munsarims of Courts before the presiding officers for orders as to records or portions which have been issued more than three months and have not been returned.

Regard shall be had to paragraph 363 before orders as to such records or portions are passed.

Return of records

359. When the record or portion of a record is no longer required, it shall be promptly returned to the record room or the Court from which it was received as the case may be. Columns 11 to 13 of the form of transmission shall be filled up, and the original form shall be filed in the

(Transmission and return of records)

suit for the purposes of which the record or portion was sent for and a copy of this form shall be returned with the record or portion. In column 14 of such copy the Munsarim of the Court returning the record or portion shall certify whether the record or portion does or does not contain all the papers entered in the order sheet of the part or portion.

360. On receipt of the record or portion the Record Keeper or Munsarim shall deal with it in the manner *mutatis mutandis* prescribed in paragraph 336. In the case of records or portions returned to a record room so much of the procedure laid down in paragraphs 336 and 337, as is applicable, shall also be carried out. The Record Keeper or Munsarim shall then fill up columns 11 and 12 of the register of requisitions (Form 80) and shall file the requisition with the record or portion, and replace the record or portion in its bundle. The copy of the form for transmission returned with the record or portion shall then be destroyed.

Procedure on re-
turn of record

361. If a second appeal be preferred to the Court of the Judicial Commissioner from the decree or order of a lower appellate Court in appeal from a decree or order made by a Court of first instance after a remand under O XLI r 23 the entire record, including the records of both the lower Court prior to the remand, will be submitted to the Court of the Judicial Commissioner.

Remands under
O XLI r 23

362. Records of cases appealed to the Court of the Judicial Commissioner shall be submitted forthwith on receipt of the precept calling for them when the subordinate Court is unable to execute the precept within the time fixed for the purpose, it shall submit a report stating—

Records of cases
appealed to the
Court of Judicial
Commissioner

- (1) the number of the Judicial Commissioner's Court precept,
- (2) the number of the case in which the precept issued,
- (3) the names of the parties to the case,
- (4) what has been done towards executing the precept,
- (5) what remains to be done,
- (6) the date by which a full return is likely to be made.

If the return cannot be made by such date a further report shall then be made.

363. Records of cases appealed to the Court of the Judicial Commissioner will be returned for deposit in the record room of the District Judge after the expiration of six months from date of judgment in cases appealable to the Privy Council and after ninety days in other cases.

Ditto

364. When a file is sent up to an appellate Court a certificate shall be taken by the Munsarim from the Record Keeper (if the file has come out of the record room) and from the Court Reader (if it has not) that he certifies that the file is accompanied by the certificate which shall immediately accompany the file to the appellate Court.

Procedure when
record is sent up to
appellate Court

condition the file has reached him. The office of the appellate Court shall again examine the file when it is being returned to the lower Court and note on the same certificate whether the papers are going back complete, and the office of the lower Court shall test this certificate before restoring the file to its place.

(Transmission and return of records.)

Errors and deficiencies in files.

365. Errors and deficiencies in a file shall be brought to notice, as soon as they are discovered; otherwise the office in which they have been detected will itself be held responsible.

Comparison of records with general index.

366. To prevent the possibility of there being any doubt in future with respect to the office responsible for a missing document, papers should on receipt in an office, be at once compared with the general index, and, if any be missing, the fact should be reported without the loss of a day.

Transmission of books and registers.

367. The rules for the transmission of decrees will apply, *mutatis mutandis*, to the transmission of registers and books not forming part of "records" within the meaning of article 1A, Schedule II, to Act VII of 1870, as amended by Act XIV of 1911.

CHAPTER X

Copies and Copying Department.

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RECORD FUND AND ESTABLISHMENT.

368. The income of the Judicial Record Fund is derived from copying charges, inspection and search fees and sale proceeds of waste paper in all Civil Courts. Income and charges of Record Fund,

The charges against the Judicial Record Fund are salaries of and extra fees to copyists, weeders, arrangers and *bastah-bardars*

369. Pens and ink will be supplied to copyists from the office stores in the same manner as to other clerks. Pens and ink.

370. Waste paper will be sold, and the proceeds of its sale credited in the accounts under those conditions only which are stated for the purpose in the rules for the destruction of records. Waste paper.

371. The work of copying will be done by the establishment entertained for the purpose on such scale as the Judicial Commissioner may from time to time, with the approval of Government, determine. Establishment.

372. Ordinarily copyists will be allotted on the principle that each man copies 2,500 folios a year Annual task of single copyist.

373. If in any Court where more than one copyist is employed the copying work falls off so that this rate is not maintained, the fact must without delay be brought to the notice of the District Judge, who will pass suitable orders for reduction of establishment if in any Court the work increases so as to give more than this rate for each copyist, the fact should be brought to the notice of the District Judge, who will take the orders of the Judicial Commissioner as to increase of establishment Reduction and increase of establishment.

374. If in any Court the fees are insufficient to pay a single copyist, the District Judge, with the sanction of the Judicial Commissioner, may authorise the presiding Judge of the Court to arrange for the preparation of copies in the manner prescribed in paragraph 397 for Cantonment Small Cause Courts. When fees are insufficient to pay single copyist.

375. No additional copyist, weeder, or arranger may be employed, either temporarily or permanently, without the previous sanction of the Judicial Commissioner Additional establishment.

376. Officers should be particular in the selection of copyists. No person should be appointed or retained as a copyist unless his handwriting is clear and easily legible. Qualification of copyists

(Record fund and establishment—Persons entitled to copies)

Head Copyist

377. For the purposes of these rules, the District Judge for his own Court and the presiding Judges of other Courts in which copying work is done, subject to the sanction of the District Judge, shall select from the establishment of the Court a proper person to perform the duties of the Head Copyist

Ditto

378. It shall be the duty of the Head Copyist to see that every copyist is fully employed during Court working hours and to himself carry out so much copying as the presiding officer of the Court may consider practicable with reference to his other duties

Register of applications for copies

379. The Head Copyist shall under the supervision of the Munsumri keep a register of applications for copies in Form 49. The serial number marked on each application shall be entered in the register

In such register the entries relating to urgent applications shall be made in red ink and all other entries shall be made in black ink

On the last working day of each week the Record Keeper and any other official from whom custody any record or paper has been supplied shall verify by his signature the accuracy of the entries in columns 7 and 8 of this register (Form 49)

Statement of copying work done

380. The Head Copyist shall maintain and submit through the Munsumri fortnightly, a statement of copying work done in the form below, together with Register 49 to the presiding officer, who after examining it shall pass such orders as may be necessary

Statement showing the number of applications for copies received and disposed of in the office during the fortnight ending 10

Description	In hand at end of the last fortnight	Received during the fortnight	Total	Copies given	Applications rejected	Total	Balance	Number pending over 15 days from date of application	Remarks
1	2	3	4	5	6	7	8	9	10
Urgent									
English									
Verbatim									
Ordinary									
English									
Verbatim									
Other									

By _____

PERSONS ENTITLED TO COPIES

381.

(Copying fees)

Sale of copy stamps

387. Copy stamps will be supplied from Treasuries and Sub Treasuries ordinarily in quantities of value not less than fifty rupees without payment in ready money, to Nazirs and Naib Nazirs

The Nazir (or Naib Nazir) will be charged with the duty of selling the impressed paper to applicants for copies but he need keep no record of his sales. As vendor he will be responsible to the Deputy Commissioner and he will be unable to obtain any fresh supply of paper until he has paid into the Treasury or Sub Treasury, as the case may be the value of the last supply

No commission will be allowed on the sale of impressed paper

388. The following shall be the scale of charges for copies —

(1) In the Court of the Judicial Commissioner —

	Judgment order or deposition		Decree.	Any other paper except a book register map or plan or any extract thereof
	Not exceeding 50 words	Exceeding 50 words		
	Rs a p	Rs a p	Rs a p	Rs a p
Ordinary	1 0 0	2 0 0	1 8 0	1 8 0
Urgent	2 0 0	4 0 0	8 0 0	8 0 0

(2) In the Court of District Judge Subordinate Judge or Munsif —

Ordinary	0 8 0	0 12 0	0 8 0	0 8 0
Urgent	1 0 0	1 8 0	1 0 0	1 0 0

(3) In a Court of Small Causes —

Ordinary	0 4 0	0 8 0	0 4 0	0 4 0
Urgent	0 8 0	1 0 0	0 8 0	0 8 0

Provided that an application for a copy of a judgment order or deposition exceeding 25 folios shall be laid before the Registrar in the Judicial Commissioner's Court and before the presiding officer in other Courts, and he shall decide what charge shall be made for such copy

(4) In the case of books registers maps, or plans or extracts thereof no general rules can be laid down. In each case a charge shall be fixed by the Registrar in the Court of the Judicial Commissioner, and by the presiding officer in other Courts with reference to the quantity, difficulty or intricacy of the work to be done.

389. Except in the case of an application for a copy of a book register map or plan, or any extract thereof, every application, for a copy for which a charge is made shall be accompanied by a sheet or sheets of stamped copying paper equal in value to the charge for the copy of the document under paragraph 388. If upon any sheet or sheets so supplied no part of the copy be written the Head Copyist shall initial and sign upon

Use of stamped sheets for copies

(Copying fees—Applications for copies)

such sheet, or upon each of such sheets, as the case may be, an endorsement to the following effect, filling up the blanks —

"This sheet was supplied with application no. , dated , presented by , in

... .. Plaintiff,
Appellant

versus

... .. Defendant,
Respondent

If the whole of the copy cannot be made upon the sheet or sheets supplied, the remainder shall be written upon foolscap paper of durable texture supplied from the stationery allowance. Each sheet of the copy, including every sheet supplied, shall be serially numbered by the Head Copyist:

Provided that when a copy is made of a document written on a standard printed form, such copy may be made on such form. In this case a note shall be made on the stamped paper or papers stating that the copy has been made on a printed form under this paragraph

APPLICATIONS FOR COPIES

390. When an application is made for a copy of a book, register, map or plan, or any extract thereof, not forming part of a decree, an estimate shall be prepared under the orders of the Judge (or Registrar in the Court of the Judicial Commissioner) and when prepared shall be laid before him for sanction. The particulars of the estimate as sanctioned shall be entered in Form 47, and the amount of the estimate as sanctioned shall be communicated to the applicant (personally if present, or by post, service hearing, if so desired)

Copies of maps, &c

Upon payment of such amount being made by the applicant the copy shall be prepared. If this amount is remitted by money order it will be entered in the register of petty items, Form 18, and the Munsarim, under the orders of the presiding officer, shall purchase the stamp, tracing cloth, &c, which are necessary.

391. Except as may be otherwise directed by these rules, no copy shall be made, or shall be permitted to be made, of any record, or of any decree, order, pleading, paper, exhibit or document, in any record, unless under an order made by the Judge or the Munsarim, as the case may be, on an application made as hereinafter mentioned

Copies only to be made under an order on an application

392. Every application for a copy shall be made in Form 46 and no other form. The form will be procurable in every Court, free of charge, and shall state whether or not the person applying for the order is a party to the suit, appeal, motion, or other proceeding in the record of which is the decree, order, pleading, paper, exhibit, or document, of which a copy is applied for. If such person is not a party to such suit, appeal, motion or other proceeding, the application shall state the object for which the copy is required, and upon what ground the applicant is entitled to the copy, whether or not the final decree or order in the proceeding has been passed or made, and

Form and contents of application for copy

(Applications for copies.)

final order, if any. If the application be sent by post, the following particulars should also be noted—

(1) Applicant's address in full.

(2) Whether he desires the copy to be sent by post, V.-P. P. or service unpaid; or he will attend in person to receive it.

Further contents.

393. Every application for a copy shall also describe clearly—

(a) the record, if any, in which is the decree, order, pleading, deposition, note, paper, exhibit, or document, of which a copy is applied for;

(b) the decree, order, pleading, deposition, note, paper, exhibit, or document of which a copy is applied for;

and shall state—

(c) whether or not the application is urgent.

Mode of presenting applications.

394. (1) Every application for a copy of any decree, order, pleading, deposition, note, paper, or document, in a record, by a stranger to the suit, appeal, motion, or judicial proceeding, in the record of which is the decree, order, pleading, paper, or document of which a copy is applied for, made before the final order in such suit, appeal, motion or proceeding, shall be presented to the Munsarim, or to the Munsarim's clerk, either before or after final order, and the Munsarim, or the Munsarim's clerk, shall forward the copy to the applicant, or to the Munsarim, and the Munsarim, or the Munsarim's clerk, shall be responsible for the copy, and his discretion may make.

(2) Except as aforesaid every application for a copy shall be presented or sent by post prepaid to the Munsarim for his order.

395. An application for copy, duly signed by a pleader, may be presented by and delivered to his registered clerk. Pleaders who wish to avail themselves of this privilege must notify the names of their clerks to the Munsarim of the Court, who will register such names in a book to be kept for the purpose.

Pleaders' clerks registered to present applications for copies.

396. An application whether received by post or otherwise may contain a request that the copy be prepared and sent to the applicant under the value-payable system. The presiding officer may exercise his discretion in refusing to grant such request and inform the applicant service bearing that he must pay in advance the necessary charges, and these charges shall be made in column 13 of the application for a copy to be refused. If the application is refused, the copy shall be purchased and the cost incurred by the return of the copy shall be paid by the applicant.

Copies sent V.-P.P. shall be destroyed after the expiry of fifteen days from the date of such return.

Copies sent V.-P.P. and returned by the Post Office shall be destroyed after the expiry of fifteen days from the date of such return.

397. An application for a copy of a document of the Court of an Honorary Munsarim shall, if presented before the 20th of the month following the decision of the case to which such document belongs, be made to the Munsarim of the Court of which such Honorary Munsarim is a member. Such Munsarim shall send for the document and have a copy prepared for the applicant.

Applications to Court of Honorary Munsarim.

(Applications for copies—Preparation and issue of copies.)

Applications presented after the 20th of the month following decision shall be made to the Judge to whose record room files are consigned by the Honorary Munsif.

An application for a copy of a document of a Cantonment Small Cause Court shall be made to the Cantonment Magistrate, who shall either himself furnish such copy or, if no copyist be attached to his Court, forward the application with the record (if not already sent to the record room) to the District Judge for orders.

Applications—to
Cantonment Small
Cause Court.

398. If an application for a copy be made in any subordinate Civil Court, the Magistrate or Judge may, if he thinks fit, decline to issue the copy, or may require that a copy be made within three days be required for transmission to the record room of the District Judge; and, in such case, the

—to other Courts
subordinate to the
District Judge.

If an application so returned be subsequently presented in the Court of the District Judge, the Munsarim shall endorse thereon the date of the presentation in that Court.

399. If an application for a copy be made by a prisoner, civil or criminal, may be made to the Jail or through a friend acting as agent for the prisoner.

—by prisoners.

Superintendent of the Jail shall forward the copy to the prisoner or his friend, if any, who applied for it.

400. On the presentation or receipt of an application for a copy, the Magistrate or Judge shall endorse thereon the date of receipt, the number, which shall commence afresh with each new set of entries to be at once made by the Head Copyist in the first six columns of the register of applications for copies (Form 49).

Duty of Magistrate
when application is
received.

PREPARATION AND ISSUE OF COPIES.

401. Except for special reasons to be noted by the presiding Judge, no copy shall be issued until the application has been examined by the official copyist. When the copy is issued, the official copyist shall sign the copy in red ink across the face of each page of it.

Certain copies
not to be issued.

402. Orders made on urgent applications shall have priority over all orders made on applications which are not urgent, and shall have strict priority in the issue of the copy. Any departure from this rule shall be reported to the presiding officer with the reasons for such departure, and the fact of such report having been made shall be attested by the presiding officer's initials against the entry in the register of applications for copies relating to the application so exceptionally treated.

Order of com-
pliance with applica-
tions.

(Applications for copies—Preparation and issue of copies.)

Applications presented after the 20th of the month following decision shall be made to the Judge to whose record room files are consigned by the Honorary Munsif.

An application for a copy of a document of a Cantonment Small Cause Court shall be made to the Cantonment Magistrate, who shall either himself furnish such copy or, if no copyist be attached to his Court, forward the application with the record (if not already sent to the record room) to the District Judge for orders.

Applications—to o
Cantonment Small
Cause Court.

398. If an application for a copy be made in any subordinate Civil Court, the presiding Judge or Munsarim, as the case may be, may decline to grant a copy from a record which will within three days be required for transmission to the record room of the District Court; and, in such case, the

—to other Courts
subordinate to the
District Judge.

If an application so returned be subsequently presented in the Court of the District Judge, the Munsarim shall endorse thereon the date of the presentation in that Court.

399. If an application for a copy be made by a prisoner, civil or criminal, may the Jail or through a friend acting in such case, the application shall be sent to the Superintendent of the Jail, to be attested by the prisoner; and if it be so attested, shall thereafter be treated as an application for a copy. The Superintendent of the Jail shall if the prisoner wishes the copy to be sent to him, if any, who applied for it.

—by prisoners.

400. On the presentation or receipt of any application the Munsarim shall endorse thereon the date of receipt of the application and the serial number, which shall commence afresh every day, and cause the proper entries to be at once made by the Head Copyist in the first six columns of the register of applications for copies (Form 49).

Duty of Munsarim
when application is
received.

PREPARATION AND ISSUE OF COPIES.

401. Except for special reasons to be noted by the presiding Judge or official, no copy shall be made in red ink across the face of each page of it.

Certain copies
prohibited.

402. No copy shall be made in red ink across the face of each page of it.

Order of com-
pliance with applica-
tions.

(Preparation and issue of copies.)

Urgent copies.

403. A copy for which an order has been made, on an urgent application, shall be delivered, as a rule, not later than the working day next after the day on which the order was made. In other cases copies shall be granted within three days of the date on which record or paper to be copied is received in the copying department.

Procedure when copy ordered.

404. The order, in
be forwarded to the official in charge of the record, who shall, without delay, send such application, order, and stamped paper with the record to the Head Copyist, and shall take from him in a book to be kept in Form 51, a receipt for them with the date and hour when such record was delivered, and the Head Copyist shall enter in his register (Form 49) the date and hour on which he received the record.

Ditto.

405. In case any difficulty arises in complying with an order for a copy, the application and order, together with an office report, shall be forthwith laid before the presiding Judge for orders.

Return of record after completion of copy.

406. As soon as a copy is made, the Head Copyist shall forthwith return the record, together with the application and the order, to the official from whom he received them, and take the latter's receipt in Form 51. Such official shall forthwith place such application and order in file D of the record. The Head Copyist shall also note the fact of the return in his register (Form 49).

Copyists' register.

407. The copyists shall each keep a register (in Form 50) of applications and records they receive for copy.

Records under copying.

408. The Head Copyist shall, at the end of each working day, deposit in a locked almirah all documents under copying.

An almirah shall in the case of a Court at headquarters be kept for this purpose in the record room and in the case of an outlying Court in the Nazir's room.

Mode of dealing with stamped paper when application is rejected.

409. If an application is rejected, the Munsarim shall at once return to the applicant, in person or by service bearing post, the stamped paper which accompanied the application, and at the same time inform him of the reasons for its rejection.

Ditto.

410. If the stamped paper is sent by post and if the last preceding paragraph is returned by the Post Office undelivered, and if no application for the same appears within 60 days of the date of return, such stamped sheets shall be destroyed by the Munsarim and an entry of the fact made in the register of copies against the application.

Copies of documents in uniform language or character.

411. When an application is made for the copy of any document in a language or character with which no copyist on the Court's establishment is acquainted, the presiding officer of the Court shall arrange, if possible, for a copy to be made then of and compared with the original by such persons acquainted with the official language or character as are functioning within his jurisdiction and may in his opinion be well adapted for the purpose. If no such persons are forthcoming, he may send such document to a Court where such language or character is in use, with a request that such Court

(Preparation and issue of copies)

have the copy made Any necessary charges incurred over and above the copying fee levied under paragraph 388 shall be borne by the applicant

412. The copy shall be written on one side of the sheet only No more than 150 English or 300 Vernacular words shall be written on any sheet The following instructions shall also be observed —

Method of
paring cop es Pro-

- (a) the writing should be clear, legible and neat, and Vernacular words should be in *nastaliq* characters,
- (b) erasures are never to be made If a correction be necessary the word or words incorrectly written should be scored through with the pen, in red ink, and the right words written above in red ink and initialed,
- (c) ink of good quality should be used,
- (d) there should be not more than 24 lines to a page,
- (e) copies should not be written across the whole width of the folio, but one eighth margin should be left blank in order that the copy, if filed in Court may be stitched into the *misal*,
- (f) sufficient blank space should be left between the heading and the body of the copy,
- (g) in copies of judgments the whole of the judgment including the decision of the Court should invariably be given,
- (h) every copy of a judgment or order of a Civil Court should commence with a heading containing the following information —
 - (i) the name of the Court, special jurisdiction (such as Small Cause Court or Appellate), and the date of order,
 - (ii) number year and description of suit, application or appeal,
 - (iii) the name parentage and place of residence of each plaintiff and defendant and
 - (iv) the value of the suit or appeal for purposes of jurisdiction and Court fees,
- (i) one line should be allowed for the name of each party in the heading,
- (j) the name of the Court and the nature of the document should be written conspicuously in large characters,
- (k) when one judgment or order decides several cases a copy of the leading judgment should be incorporated with any copy applied for of a judgment which is governed by it,
- (l) the number of each page of the original should be conspicuously shown in the margin where the copying of the words on that page begins,
- (m) the number of words contained in the copy shall be written on the first page of the copy, and
- (n) the seal of the Court issuing the copy should be affixed in the upper corner to the left hand so as not to blot the writing on

(Preparation and issue of copies—Stamps (other than copying stamps) required for copies.)

the opposite page, care being taken that the impression is properly dried.

Signing, examination and certification of copies.

413. When a copy has been made, it shall be signed by the person who made it, and it shall be examined, and, if correct, be certified by the Head Copyist to be a true copy, and the date on which he signs it shall be noted by him below his signature. It shall also be signed by the examiner and by the person who read it out to him. If the copy was made by the Head Copyist, it shall be examined, and, if correct, be certified to be a true copy by some other person selected by the presiding Judge for that purpose.

No copy of a document shall be certified to be a true copy unless it shows correctly the value of the stamp or stamps, if any, in the original document.

Issue of copies.

414. No copy shall be delivered to an applicant until it has been examined and certified to be a true copy, and been stamped with the seal of the Court issuing it.

Notice of copies ready for delivery.

415. When a copy is ready for delivery, notice thereof in Form 48 shall forthwith be placed on the notice-board of the Court, and the Head Copyist shall endorse upon the first sheet of the copy the date endorsed on the application by the Munsarim under paragraph 400, and the date of posting the notice on the notice-board, and when the copy is delivered, the date of delivery thereof. Such dates shall be entered in words as well as in figures. Provided that when a copy is to be sent by post, it shall be despatched, service unpaid, as soon as it is ready, and the date of posting shall be the date of delivery.

When a copy cannot be given for any reason, the Munsarim shall note the fact in column 4 of Form 48.

If delivery of the copy is not taken within fifteen days of the notice being posted on the notice-board, the orders of the Judge shall be taken as to the disposal of the copy.

STAMPS (OTHER THAN COPYING-STAMPS) REQUIRED FOR COPIES.

Every application for copy to bear a Court-fee label of one anna.

416. Under article 1 (a), Schedule II, Act VII of 1870, every application for a copy must bear a Court-fee label of one anna. The Court-fee payable under the Court-fees Act of 1870 shall be levied by affixing the proper stamp to the first sheet of the copy.

Copies chargeable under the Court-fees Act.

417. So far as the purposes of this chapter are concerned, copies chargeable under the Court-fees Act are copies of—

- (i) judgments or orders not being, or having the force of, decrees;
- (ii) decrees or orders having the force of decrees;
- (iii) documents liable to stamp-duty under the Indian Stamp Act, 1899, when left by parties to suits or proceedings in place of originals withdrawn under O. XIII, r. 9 of the Code;
- (iv) any judicial proceeding not otherwise provided for by the Court-fees Act; and
- (v) any accounts, statements, reports or the like taken out of any Civil Court.

Act II of 1899.

(Stamps (other than copying-stamps) required for copies.)

418. The fees leviable are set forth in articles 6, 7, 8, and 9 of Schedule I of the Court-fees Act:—

Table of Court-fees

Number.	Document.	Proper fee.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When the judgment or order is passed by any Civil Court other than a High Court:— (a) If the amount or value of the subject-matter is fifty or less than fifty rupees (b) If such amount or value exceeds fifty rupees.	Four annas, Eight annas.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court:— (a) If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees (b) If such amount or value exceeds fifty rupees (c) When the stamp duty chargeable on the original does not exceed eight annas (d) In any other case	Eight annas. Eight annas. One rupee The amount of the duty chargeable on the original. Eight annas.
8. Copy of any document liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(a) When the stamp duty chargeable on the original does not exceed eight annas (b) In any other case	One rupee The amount of the duty chargeable on the original. Eight annas.
9. Copy of any judicial proceeding or order, not otherwise provided for by this Act, or copy of any account, statement, report, or the like, taken out of any Civil Court or office.	For every three hundred and sixty words, or fraction of three hundred and sixty words	Eight annas.

Note—On copies of orders rejecting plaints or directing accounts to be taken, or determining questions mentioned or referred to in section 47 but not specified in section 104, O. XLIII, r. 1 of the Code, Court-fees are payable under article 7. Court fees are also payable under article 7 on copies of decrees sent under O. XXI, r. 6 of the Code by Courts sending decrees to other Courts for execution under section 32.

419. Copies or extracts, certified to be true copies or extracts by, or by order of, any public officer, and not chargeable under the Court-fees Act, or unless exempted under article 24 of Schedule I of the Indian Stamp Act, 1899, are chargeable with stamp duty under the above article the terms of which are as follows:—

Article 24, Schedule I, of the Indian Stamp Act, Act II of 1899.

Copy or extract, certified to be a true copy or extract by, or by order of, any public officer and not chargeable under the law for the time being in force relating to Court-fees.

- (a) If the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee, eight annas.
(b) In any other case, one rupee.

(Stamps (other than copying stamps) required for copies—
Inspection and search of records)

Copies furnished
for private use

420. Court-fees payable under articles 6, 7 and 9 of Schedule I of the Court-fees Act, 1870, have been remitted by the Notification of the Government of India, Department of Finance and Commerce, no. 4650, dated the 10th September 1889, on copies furnished by Civil and Criminal Courts for the private use of persons applying for them. The effect of this notification is, that any copy chargeable, under articles 6, 7 or 9 of Schedule I, of the Court-fees Act, 1870, may be furnished by a Civil Court on payment of copying charges only, and without payment of any Court-fee. If, however, the applicant to whom a copy has been granted without payment of any Court-fee wish afterwards to have it filed, exhibited or recorded in any Court or received by any public officer, he must, unless the copy be one on which Court-fees have been remitted, stamp it under articles 6, 7 or 9, as the case may be, before it is presented to such Court or public officer.

Awards under the
Land Acquisition
Act.

Court-fees are not payable on copies of awards made under the Land Acquisition Act, 1894, when the copies are issued to persons claiming under such awards.

Copies furnished
to paupers

Court-fees are not payable on copies issued to proper plaintiffs or appellants, of judgments and decrees in pauper suits or appeals.

Copies required
for public purposes

421. Stamp-duty has been remitted (by article 24, Schedule I of the Indian Stamp Act, 1899) as regards the copy of any paper, which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

INSPECTION AND SEARCH OF RECORDS.

Inspection of
papers in English
office.

422. No papers in the English office shall be open to inspection except under an order in writing of the presiding Judge made on an office report.

Inspection of
papers in Vernacular
office

423. No record or paper in the Vernacular office or in the custody of an officer of the Court shall be inspected by any person other than the Judge or an officer of the Court except under an order in writing signed by the Judge.

Provided that the Judge may, in his discretion without making a written order in that behalf permit a party to a suit or his pleader to inspect in the Court room the record of a pending case on the day of hearing.

Provided also that all Government officers duly authorized to examine records on behalf of the Government shall at all reasonable times be allowed to inspect without any formal application to or order by the presiding Judge, and without payment of any fee for such inspection.

Applications for
inspection

424. Except in the case mentioned in the first proviso to paragraph 423, no order for the inspection of a record or of any paper in a record which shall be presented by a party bearing a Court-fee of 5 annas after an application to the applicant with a note

to this effect.

(Inspection and search of records)

425. Any party to a suit, appeal, or other proceeding in the Court, and the advocate, attorney, or vakil of any such party may apply for an order to inspect the record or any papers in such suit, appeal or other proceeding. Every such application shall be in writing in Form 52, and shall specify the record or paper of which inspection is desired, and shall be accompanied by a general stamped paper of the value of four annas (see paragraph 277). The form shall be delivered free of charge to applicants at the Court, or may be obtained for one piece from licensed stamp vendors to whom copies of the form will be issued in quantities of not less than one hundred at a time at the rate of twelve annas a hundred.

Application for
inspect on by party
to a suit

426. Any person, other than a person to whom paragraph 425 applies, may apply for an order for the inspection of a record or paper in a suit, appeal or other proceeding. Every such application shall be in writing in Form 52 and shall specify the record or paper which it is desired to inspect and shall clearly state the reason why the inspection of such record or paper is desired, and shall be accompanied by stamped paper of the value of four annas.

Ditto by non-
party

427. Every order for the inspection of a record or paper shall specify the record or paper of which inspection is ordered, and shall state the name of the person or persons who may make such inspection, and the day on which such inspection may be made.

Order for inspec-
tion

428. Immediately on an order for inspection being presented to the official in whose charge the record or paper may be, he shall number and initial the order in red ink on the face of it.

Ditto

429. Every order for the inspection of a record or paper shall be presented to the Munsarim and will entitle the person or persons, named in such order, but not any other person or persons, to inspect the record or paper specified in the order between the hours fixed for such purpose by the presiding Judge on the date named in the order but on no other date. If no inspection is made on the date fixed the application and the stamped paper shall be filed with the record.

Ditto

430. The Record Keeper or the officer in charge of the record shall on the day mentioned in the order required by paragraph 429 deliver to the Munsarim the record or paper mentioned in the order together with the order, and shall receive an acknowledgment from the Munsarim.

Duty of Record
Keeper

431. The Munsarim shall, on the day of the inspection, and immediately after the inspection has begun, make on the order a memorandum showing the date on which the order has been complied with and shall on that same day at an hour to be fixed by the presiding Judge return to the official from whom he received it every record or paper and every order and such official shall forthwith file every order which has been returned to him and shall not again issue for inspection on an order so filed any record or paper, and he shall return to the Munsarim the acknowledgment which he received for the record or paper when issued.

Duty of Mun-
sarim

432. The Munsarim shall keep an Inspection Register in Form 53.

Ditto

433. The Munsarim shall not allow any person or persons to inspect or have access to any record for the time being in his custody other than the person or persons named in and inspecting under the order for inspection.

Ditto

Use of pen or ink
during inspection
prohibited

434. No person inspecting a record shall be allowed to bring into the room in which the inspection is made any pen or ink, nor to use any pen or ink, nor shall he be allowed to make any mark upon, or in any respect to mutilate any record or paper which is being inspected.

Applications for
information

435. Any person desiring to ascertain the serial number and date of institution of any suit, or other registered particulars respecting a suit or any proceedings therein, or of any judicial proceeding, shall on presentation to the Munsarim of an application written on a general stamped paper (see paragraph 425) of the value of four annas, giving the best particulars he can as to the year of institution and the names of parties, be entitled to have a search made and the information, if obtainable given to him in writing signed by the official in charge of the register, within ten days from the date of the application. The Munsarim shall mark such application with a serial number and shall file it. In case such information be not given within such ten days the Munsarim shall, forthwith on the expiration of such ten days, report in writing to the Judge for his orders, the cause of the non compliance with the application. A printed copy of this rule in English, Urdu and Hindi shall be kept posted on a notice board in a conspicuous place in every Court and also in the office of every Munsarim. Each application will be posted under a separate serial number in a file book which shall be kept for the purpose and consigned to the record room annually.

Inspection of
registers

436 No person other than a Judge, the Munshim, or an officer of Government appointed for that purpose, shall be allowed to inspect any book or register in the Court, except under an order of the Commissioner of the Court, and in the presence of the Clerk of the Court.

CHAPTER XI.

English Office and Library.

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ENGLISH CORRESPONDENCE.

437. The departments into which the English correspondence, other than the correspondence described in paragraph 457, of Civil Courts is classified, are as follows — Classification of English correspondence

- (1) Appointment, promotion, transfer, leave, removal, and inquiry into the conduct of Government servants.
- (2) Pensions and gratuities.
- (3) Security of public accountants.
- (4) Legal practitioners.
- (5) Precepts received from the Judicial Commissioner's Court.
- (6) Processes sent to and received from other Courts.
- (7) Annual reports and periodical returns.
- (8) Bills.
- (9) Budget
- (10) Deposit accounts
- (11) Books, maps, forms, and stationery.
- (12) Buildings and furniture
- (13) Inspection of District and Subordinate Courts
- (14) Rules and practice.
- (15) Miscellaneous

438. The correspondence under each head shall be arranged by files: each file shall consist of all the letters received and issued in the course of a consecutive correspondence upon one subject. The letters in each file shall be arranged in chronological order, the first letter received or issued being at the bottom of the file, and the last letter received or issued being at the top.

Arrangement of files

439. Every letter received shall be docketed, and entered in the register of letters received in the following form:—

Register of letters received.

Serial number	Date of receipt	From whom received	Number of letter	Date of letter	Ex-...	Reference
1	2	3	4	5	6	7

Register of letters issued

440. Every letter issued shall be fairly copied the original draft and the fair copy shall be numbered with the annual serial number, one of such serial numbers running through all the Civil Court correspondence for the calendar year, the letter shall then be entered in the register of letters issued kept in the appended form, and the draft letter shall be docketed the date of issue and the annual serial number being entered on the docket

Serial number	Date of letter	To whom addressed	Subject	Reference
1	2	3	4	5

Marking of serial number of letter

441. The serial number of the letter in its file shall also be marked in red ink on the docket of each letter, i.e., the first letter received or issued on a file shall be marked S no 1, the second letter received or issued shall be marked S no 2, and so on. When a letter is received or issued if it pertain to a previously existing file, the file shall be got out and the next consecutive serial number of the series of that file shall be assigned to the letter. Within each letter, thus serially numbered shall be kept as *Keep With* (K W) any office notes regarding it.

Connected files

442. If a letter pertaining to one file, in this paragraph called the *principal file*, refer to or be connected with another file, in this paragraph called the *auxiliary file*, the *auxiliary file*, whether under the same or another head shall be *linked* with the *principal file* the files being separately tied up but connected by a piece of tape. The *linked* files shall remain together until the *principal file* has been finally disposed of, when they shall be relegated to their proper places, a note being made on each that it was *linked* with the other on receipt of the letter.

Division of files into two classes

443. Files shall be divided into two classes, namely —

- (1) closed files that is to say, files in which further correspondence is not expected and
- (2) pending files that is to say, files in which further correspondence may be expected

Correspondence press

444. A separate press, divided into fifteen or more compartments, shall be reserved for closed files, and over each compartment the head to which it is appropriated shall be noted. This press shall be known as the "Correspondence Press."

Closed files

445. The closed files pertaining to each head shall be tied together between stiff boards in separate annual bundles of convenient size, and on the upper board shall be written the head and the year or the portion of the year, to which the bundle relates.

No closed file should be out of its bundle, except when it is in actual use.

(English correspondence.)

446. Pending files shall be in two packets; these of—

Pending files

(1) files containing references that have been answered or require no answer; and

(2) files containing references that are unanswered

447. As soon as a new file is opened by the issue or receipt of a letter, columns 1, 2 and 4 of the file index (Form 86) shall be at once filled up, and the serial number assigned to such file shall be noted on every subsequent letter issued or received which properly belongs to such file. It will thus be possible to ascertain from the file index what files are pending, and whether any file is missing from or improperly placed in either of the two packets of pending files.

File index

448. In the file index a few pages shall be allotted to each head of correspondence (see paragraph 437), and to facilitate reference the right-hand margin of the file index shall be so cut and numbered as to show where the entries under each head of correspondence are to be found.

Ditto

Note—The file index will be supplied upon application to the Superintendent of the Government Press.

449. As soon as a pending file is closed, the remaining columns of the file index shall be filled up, and the file removed from the packets of pending files and placed in its appropriate compartment in the correspondence press

Closing of pending file

450. If correspondence relating to a closed file be re-opened, the file shall be withdrawn from the correspondence press and placed among pending files with which it shall be kept till the renewed correspondence terminates. It shall then be returned to the correspondence press and placed in the bundle for the year, or the portion of the year, in which the renewed correspondence terminated. When a closed file is thus withdrawn and returned, a note of the date of withdrawal at the time the file is withdrawn, and a reference to the bundle in which the file has been placed at the time the file is returned, shall be made in the column of remarks against the former entry in the file index (Form 86). A slip of paper with a similar note recorded on it shall be placed in the bundle from which the file was withdrawn.

Re-opening of closed file

451. There shall be one register in the appended form for all circulars received, and all circulars shall, on receipt, be entered in the register, the date of receipt and the register number being marked upon each circular in red ink. The circulars shall then be pasted into separate file-hooks as follows—

Register of circulars

- (1) Circulars of the Government
- (2) Circulars of the Board of Revenue
- (3) Circulars of the Accountant General
- (4) General letters of the Accountant General
- (5) Circulars of the Commissioner of Stamps.
- (6) Circulars of the Inspector General of Registration.
- (7) Circulars of the Inspector General of Police.
- (8) Other circulars.

To each file-book shall be prefixed an index in which the number, date and subject of each circular shall be entered at the time the circular is filed

Serial number	Date of receipt	From whom received	Circular or circular memorandum	Number of circular	Date of circular	Subject	Reference.
1	2	3	4	5	6	7	8

Correspondence originating in a circular

452. If a circular give rise to correspondence, the correspondence shall be kept in a separate file, a note being made on the first letter in the file that the circular referred to is pasted into its appropriate file book, and a note bearing reference to the correspondence being recorded on the circular itself.

Return press

453. For periodical returns a separate press, divided into as many compartments as there are returns, shall be reserved, and over each compartment the description of the return to which it is appropriated shall be noted. This press shall be known as the "Return Press."

Correspondence relating to periodical returns

454. Correspondence relating to such returns shall, like correspondence connected with circulars, be kept in separate files, and, when closed, shall be placed in the correspondence press a note bearing reference to the correspondence being recorded on the particular return.

Lists of returns and reports due

455. In every English office, a list showing the returns and reports due, the office to which they are sent, and the date they are due shall be hung up near the Munstrum's desk. A similar list shall be hung up in the Judge's private room. Every clerk responsible for preparing a return shall be given a similar list of those returns for which he is responsible, and such list shall be hung up near his desk or place in the office.

Register of pending files

456. In every Court shall be kept by or under the supervision of the Munstrum a register in the following form wherein shall be entered every pending file of the English office and every return which is pending or which falls due in the current month. Such register shall be placed before the presiding officer of the Court not less than once a week.

FORM
Month and year.

Serial number	File heading or description of return.	Date and substance of Judge's last order	Remarks.
1	2	3	4

(English correspondence.)

457. English correspondence relating to suits, appeals or cases, judicial or non-judicial, shall be dealt with according to the following rules:—

Disposal of correspondence relating to suits and cases.

- (1) Letters forming such correspondence shall be filed with the case to which they relate.
- (2) Every case with which is filed such correspondence shall be deemed to be pending notwithstanding that a final order or decision has been passed therein, so long as the correspondence relating thereto is pending. Correspondence shall be said to be pending only when any letter requires to be issued or received and not when after a certain lapse of time or upon some possible contingency further correspondence may arise.
- (3) To indicate that the presiding officer considers no further action necessary in respect of any correspondence he shall write the word "File" with his initials on the last letter. The Munsarim must then, after examining the previous papers, mark the last letter "Concluded and filed" before the correspondence is consigned with the case to the record room.
- (4) Every letter received should bear an order recorded on it by the presiding officer, or the word "Seen" with his initials, as an indication that he has seen it.

458. Judicial officers, in corresponding with the Judicial Commissioner shall address their communications to the Registrar and not to the Judicial Commissioner.

Correspondence with Judicial Commissioner.

459. In all correspondence with the Registrar of the Judicial Commissioner's Court a printed form of letter (Form 89) shall be used, and the following instructions shall be observed:—

Ditto.

- (1) As a rule, the Registrar shall be addressed by letter and not by docket or endorsement.
- (2) On page 1 of the form the following particulars only shall be entered:—
 - (a) the name and designation of the officer submitting the letter;
 - (b) the number and date of the letter and number of enclosures;
 - (c) the abstract of the contents, expressed as fully as is consistent with brevity.

The file heading shall be left blank.

- (3) Nothing shall be written below the space reserved for office notes and orders on the lower half of page 1 and on page 2.
- (4) On page 3 the letter should be written, and in cases where the matter extends over this page, it should be carried on to the next; and, if necessary, extra pages may be stitched on, but a margin must be provided on every succeeding page as on page 3.

(English correspondence)

- (5) Whenever it may be found necessary to submit Vernacular reports or explanations with a letter, English translations thereof shall also be submitted
- (6) Where a demi-official letter is addressed to the Registrar, only one subject should be dealt with in one letter, a second subject should be made the subject of a second letter.

Correspondence
with Judicial Com-
missioner

460. In the correspondence referred to in the previous paragraph the following rules shall be observed in respect of enclosures —

- (1) Every enclosure or accompaniment to a communication despatched to the Judicial Commissioner shall have a label in Form 90 pasted on it, and the number and date of the communication should be written on the label
- (2) A list of the enclosures to accompany such communication shall be made at the foot of it, a separate letter of the alphabet being given to each enclosure on the list, and the same letter written on the label. Every judicial file shall be reckoned as a separate enclosure.
- (3) No separate communication shall accompany "an application for powers" or such papers, unless some remarks in addition to those already made on these papers happen to be necessary. The application or report shall bear the same number as the covering docket
- (4) Explanations rendered by officers with reference to remarks recorded on periodical returns, shall be transmitted in original by District Judges accompanied by a letter containing any observations that the Judge may desire to add
- (5) Reminders from the Judicial Commissioner shall be returned on the day they reach his office or on the following day with the paper required if practicable, or with an explanation of the cause of inability to send it

Despatch book

461. A despatch book in Form 14 shall be kept for the District Judge's office. Covers to be delivered by a messenger in the vicinity of the Court-house shall be sent, with this book, to the addressee, whose acknowledgment will be taken in the last column. Covers to be sent by post shall be similarly sent to and acknowledged by the Central Nazir.

The Central Nazir, after affixing the necessary postage labels, shall despatch the covers, registering them in columns 1, 2, 3, 4, 5 and 6 only of his postal despatch register, thus —

July 3rd, English Office Two covers, Re 0 2 0

Two despatch books may at the discretion of the District Judge be kept, one for covers to be delivered by messengers and the other for covers to be sent by post

Confidential com-
munications

462. All confidential communications shall be forwarded in double covers, the inside cover being sealed and marked confidential, and the outer cover being sealed and addressed in the ordinary way

All covers marked "Confidential" shall be opened by the presiding Judge, and by him alone, and shall be kept in the fire proof box, in which wills are kept.

WEEDING OF CORRESPONDENCE.

463. The papers of closed files in the English offices of the District Court and the Courts subordinate to it shall be weeded as follows :—

Papers to be destroyed on closing of file

Reminders and office memoranda which are unnecessary for the understanding of the file and are not likely to serve any immediate separate purpose, shall be destroyed when the file is closed.

464. Correspondence on or relating to the following subjects shall be retained for period of one year from the 1st January of the year succeeding that in which the file is closed —

Papers to be retained one year

- (1) Appointment*, (2) leave, (3) transfer, (4) certificate of transfer of charge of office, (5) medical examination of ministerial officers and (6) transfer, posting, charge, leave, drawing fresh increment of pay, and last pay certificates of gazetted officers.

* *Note* —Care shall be taken that all original testimonials are delivered or sent to the applicant.

465. The following correspondence or correspondence on or relating to the following subjects shall be retained for period of two years from the 1st January of the year succeeding that in which the file is closed :—

Papers to be retained two years.

- (1) Explanations of delay and letters calling for them.

- (2)

XVIII of 1879.

- (3) Explanations called for by the Judicial Commissioner on quarterly and annual statements.

- (4) Office copies of all statements and returns, prescribed for period cal submission or specially called for by the Judicial Commissioner.

- (5) Books, maps, furniture and repairs of Court-houses.

- (6) Indents for printed forms, stationery and additional copies of circulars.

- (7) Service and execution of processes of other Courts.

- (8) Questions of practice and procedure which have been subsequently settled by published rules of the Judicial Commissioner.

- (9) Assessors.

- (10) Impounding of documents, and also relating to fines and penalties.

- (11) Printing and adjustment of charges.

- (12) Accountant General's objections on the establishment return.

- (13) Transmission of records.

- (14) Verification of securities of public accountants and officials.

- (15) Entertainment of temporary extra copyists and weeders on temporary record room establishment.

- (16) Civil and criminal annual reports

- (17) The realization of annual inspection fee from certain pleaders in respect of records in the Court of the Judicial Commissioner

- (18) The preparation of list of legal practitioners willing to execute commissions.

- (19) The judicial calendar and holidays not specified therein.

- (20) Attendance of patwaris.

- (21) Famine allowance
- (22) The supply of repayment order books
- (23) Gratuities to ministerial officers
- (24) Salary, travelling allowance and contingent bills
- (25) Process serving establishment
- (26) Verification of services of ministerial officers
- (27) Correction of deposit accounts and lapsed deposit accounts
- (28) Cases transferred by order of the Judicial Commissioner
- (29) Reconciling of discrepancies in sale commission fee returns

Papers to be retained five years

466. The following correspondence or correspondence on or relating to the following subjects shall be retained for period of five years from the 1st January of the year succeeding that in which the file is closed —

- (1) The distribution of territorial jurisdiction of the Civil Courts
- (2) Budgets.
- (3) Applications for additional grants
- (4) Powers of officers
- (5) Inspection notes, the Judicial Commissioners orders thereon and correspondence relating thereto
- (6) Change of office hours
- (7) The annual vacation and arrangement of work during the vacation
- (8) Payment of rent of buildings secured for Court houses

Papers to be retained ten years

467. The following papers, among others, shall be retained for ten years computed from the 1st January of the year succeeding that in which the correspondence relating to them was closed —

- (1) Estimates of budgets
- (2) Annual reports (civil and criminal)

468. Correspondence on the following subjects shall be retained until the presiding officer orders their destruction —

- (1) Correspondence relating to pensions
- (2) Complaints against officials and correspondence relating thereto, if containing papers likely to be required by the Accountant General when application is made for pension or gratuity
- (3) Creation and abolition of Courts

Note 1 — The presiding officer shall ordinarily order the destruction of (1) and (2) when there remains no possibility of the papers being required to answer a question of the Accountant General

Note 2 — Such correspondence shall be laid before the presiding officer every year and shall in the case of each file pass one of the following orders to be recorded on the first sheet —

- (a) that it be at once destroyed
- (b) that it be retained for a period of one, five or ten years from the 1st January of the next year
- (c) that it be kept permanently,
- (d) that it be retained until further order be passed

If the order described in (b) or (c) be passed the file shall be placed with the files which are governed by paragraphs 464, 466, 467 or 469 as the case may be

(Weeding of correspondence—Library)

469. Correspondence on or relating to the following subjects, and any other correspondence which the presiding officer shall in any particular case so direct, be retained permanently, namely —

Papers to be retained permanently

- (1) Assessment of taxes or rates on Civil Court buildings
- (2) Suits to which Government is a party
- (3) Revision of establishment
- (4) Acquisition of land or other property by Government
- (5) Appointment of Honorary Munsifs, &c

Provided that the District Judge may from time to time direct the destruction after ten years of any such file or part of such file, the preservation of which is in his opinion unnecessary

470. The service books and character rolls of officials should ordinarily when they retire or are removed from service be delivered to them or in the event of their death to their legal representatives if claimed within three years. If no claimant appears within that period they shall be laid before the District Judge for orders and shall then be either destroyed or retained for a further period as directed

Service books and character rolls

Any service book or character roll may be retained for special reason to be noted therein, and no official shall claim as of right the return of his service book or character roll

471. In the month of May of each year the Head Clerk or such other officer as may be appointed by the District Judge in that behalf, shall examine the files affected by the preceding paragraphs and having selected the papers to be destroyed shall lay them before the Munsarim. When the Munsarim has satisfied himself that the papers are liable to destruction he shall cause them to be destroyed by burning unless he considers that any of them should be retained for a longer period in which case he shall submit such papers with a memorandum of the grounds of his opinion, for the orders of the District Judge

Destruction of files selected for weeding

LIBRARY

472. Official publications will be issued from the Government Press and officers receiving such publications shall register them as well as books purchased by them in a catalogue which shall be kept in the following form —

Catalogue

Class	Sub-head (any)	Serial number	Title	Number of volumes	Date of receipt	Number of copies received		Remarks
						English	Vernacular	
1	2	3	4	5	6	7	8	9

The right hand margin of the catalogue shall be so cut and numbered as to show where the entries under each class and sub-head represented by the numeral prefixed thereto in paragraph 473, are to be found

Classification of
books**473.** Books shall be classified in the catalogue and arranged in the library, in the manner following —

- I — Regulations and Acts
- II — Special Acts (when printed separately)
- III — Commentaries on Acts
- IV — Law Digests and Treatises
- V — Departmental Codes, Guides, Manuals and Circulars—
 - i — Civil
 - ii — Criminal
 - iii — Revenue
 - iv — Miscellaneous
- VI — Law Reports—
 - i — Sadar Diwani Adalat
 - ii — Sadar Nizamat Adalat
 - iii — High Court
 - iv — Indian Law Reports—
 - (a) Calcutta Series
 - (b) Madras Series
 - (c) Bombay Series
 - (d) Allahabad Series
 - v — Legal Remembrancer
 - vi — Miscellaneous
- VII — Periodicals
- VIII — Administration—
 - i — India
 - ii — United Provinces of Agra and Oudh
 - iii — Other Provinces and Presidencies
 - iv — Miscellaneous Departments.
- IX — Dictionaries Glossaries Lists and Directories
 - x — Miscellaneous

Separate room for
library**474.** Except as provided in paragraph 470 the books composing the library of each Court shall if practicable be collected together in a separate room assigned for the purpose.

Duties of Librarian

475. In each Court an official to be nominated by the District Judge shall be specially placed in charge of the library.

It shall be the duty of the Librarian—

- (1) to stamp the seal of the Court on the title page, the tenth page and the last page of print of each book,

(Library)

- (2) to affix on the lower portion of the back of every book received for deposit in the library a label in the following form —

Government property			
Library	Class Sub-head Serial no	Received	District of
	The	19	

[These labels in two or three different sizes (in English and in Vernacular) will be supplied on indent by the Government Press]

- (3) to submit, as soon after the 1st January as possible, to the presiding officer a report as to the condition of the books in the library together with a list of all books received during the year, and an explanation to account for the loss of any books which may have occurred during the previous year,
- (4) to check the catalogue at the commencement of each year, and to account for all missing books to the Superintendent of the Government Press,
- (5) to issue books from the library in accordance with the next paragraph, and to see that no books are issued otherwise

476. When any officer or legal practitioner admitted by the Judge to the use of the library under paragraph 478 requires a book from the library, he shall send a receipt for it on a slip of paper, which shall be returned to him when the book is returned to the library

Recd pts for books taken out.

477. The Librarian shall enter in a book to be kept for that purpose—

Register of books issued

- (1) the name and number of each book removed from the library on that day and not returned before the close of the day,
- (2) the date when it was removed,
- (3) the name of the person who received it, and
- (4) the date when such book is returned to the library

478. A District Judge may, in his discretion admit legal practitioners to the use of the library on such conditions as he may think fit

Use of library by legal practitioners

Every reasonable facility is to be afforded to the Government Pleader to consult the law books in the Court's library

479. The presiding officer of any Court may order the permanent or temporary removal from the library of his Court to his Court room or private room of such books as are required for constant use or reference. A note of such removal shall be made in column 9 of the catalogue prescribed in paragraph 472 against each book so removed. A list of such books shall be maintained by the Court Reader or other official selected for the purpose and he shall be responsible for performing in respect of such books the duties of a librarian as prescribed in paragraphs 475 and 477.

Judge's Court or private room library.

Rules regulating
supply of official
publications

480. The attention of Courts is drawn to the following rules regulating the supply of books and other publications made by Government in G O no 1494/XII—241 1907, dated the 15th September 1908 —

6 Copies of official publications issued in India such as the Civil Lists, the Codes of the Financial or Public Works Department &c, and all Legislative Acts are on first issue distributed to officers in accordance with a standard distribution list. The distribution of Acts of the Imperial Legislature will be made by the Government of India in the Legislative Department in the case of the English edition and by the Superintendent Government Printing India in the case of the Vernacular editions of those Acts the distribution being in accordance with a list supplied by the Local Government. Local Acts and annual reports and other publications issued by the Local Government will on first issue be distributed under the orders of that Government by the Superintendent of the Government Press but annual reports and other miscellaneous publications received from the Government of India or other Local Governments will be distributed by the Local Government in the first instance any spare copies being kept in the Government Book Depot as a reserve from which other demands can be met.

7 (1) On the first appearance in the Gazette of any Act, whether in English or in Vernacular Heads of Departments Commissioners or District Judges shall at once intimate direct to the Local Government the number of copies they may require for themselves or their subordinates. As every Act has been previously published in the Gazette as far as concerns the date of the final publication of the Act and should it be necessary owing to delay in forwarding the indent to reset the type in any case the department in question will be liable to have the cost of the second edition charged against its press allotment for the year.

8 (1) If subsequent to the first distribution copies of the publications mentioned in rule 7 are required merely to replace others that have been lost or worn out the officer concerned should apply direct to the Superintendent of the Government Press who will furnish the copies required.

(2) If an increase is desired in the number of copies to be kept in stock the officer should apply through the head of his department Commissioner or District Judge to the Government and in this case the distribution list will also if necessary, be corrected.

12 In the case of official publications issued in India the cost of which is charged to Imperial or Provincial revenues no payment is required except in the following cases —

- (a) The *Indian Postal Guide*, the *Government Telegraph Gazette* and the *Indian Telegraph Guide* must be obtained from the Post Office of India and the Telegraph Department respectively on cash payment.

(Library)

- (b) Publications which though issued under the authority of Government are published by a private press are paid for by the Superintendent of the Government Press on bills submitted against the department concerned

16 Heads of Departments can usefully circulate lists of the books in their libraries to officers subordinate to them, so that the latter may have an opportunity of borrowing such books as they require

481. With reference to rule 6 cited in the preceding paragraph every Court in Oudh other than the Court of an Honorary Munsif is placed on the list of those officers to whom the Legislative Acts of the Governor General in Council and the Indian Law Reports published under Act XVIII of 1875 are to be supplied

General Acts and
Indian Law Reports
supplied to all
Courts

482. Only one copy of the majority of official books and reports other than those mentioned in paragraph 181 is sent to each district, and that copy is kept in the office of the Magistrate. Other officers are merely supplied with their own departmental reports and such books of reference and Gazettes as they may frequently have to consult

Other official pub-
lications

The Head Clerk of the Magistrate's office is required to circulate to all officers at the district headquarters at the end of each week a list of the books and reports received by him during the week, so that any officer desirous of perusing them may have an opportunity of doing so

483. Judges of Courts of Small Causes, Subordinate Judges, and Munsifs shall communicate with the Superintendent of the Government Press through the District Judge

Communication
with Government
Press by subordinate
Courts

484. District Judges shall, without obtaining the previous sanction of the Local Government, purchase such books as are suitable for the libraries of their Courts or of the Courts subordinate to them, subject to the condition that all charges so incurred are within the budget allotments sanctioned for the purpose

Purchase of suit-
able books by Dis-
trict Judges

485. (1) Ordinarily it will be found necessary that each Civil Court shall in addition to Acts and other official publications be supplied with reasonably up-to-date editions of the standard commentaries on the following Acts or subjects —

Standard com-
mentaries for all
subordinate Courts

Civil Procedure Code	..	..	..	..	(V of 1908)
Contract Act	..	..	..	..	(IX of 1872),
Easements Act	..	..	..	..	(V of 1882)
Hindu Law					
Limitation Act	..	..	..	..	(IX of 1908),
Minhammadan Law					
Specific Relief Act	..	..	..	..	(I of 1877)
Stamp Act	..	..	..	..	(II of 1899),
Torts					
Transfer of Property Act	..	..	..	..	(IV of 1882)

- (2) "Oudh Cases" is supplied to outlying Munsifs

(3) Arrangements should be made for the Allahabad Law Journal and the Oudh Cases being circulated to Courts at headquarters within one month of issue of the same

486. Valuable books may, with the previous sanction of the Judicial Commissioner, be sent to be bound at the Government Press, but, where it can be done efficiently, books should be bound locally.

Binding of books.

(Library—Weeding of Books.)

Gazettes.

487. Gazettes shall be regularly filed and carefully bound into annual volumes.

Vernacular copies of Gazettes shall be retained for five years in the offices to which they are sent; and may then be sold as waste paper under the orders of the District Judge.

One copy of the Gazette in English shall be retained permanently in the District Judge's library. Copies supplied to Munsifs and Subordinate Judges shall be retained for five years and thereafter forwarded to the District Judge who will after meeting the requirements of his own library consult the Superintendent, Government Press, as to whether the superfluous copies should be returned to him, or sold, or sent to another district.

General letters

488. The date on which a general letter is received from Government shall be marked upon it in red ink.

A file-book of general letters shall be kept up for each official for whose use a separate copy is supplied. To each file-book shall be prefixed an index in which the number, date, and subject of each letter shall be entered at the time it is filed. The file-books are not personal to the official, and shall not be taken away by him on transfer, but shall be left for the use of his successor.

WEEDING OF BOOKS.

Weeding of books
and publications.

489. Books and publications shall be weeded out from time to time under the orders of the District Judge, who in case of doubt shall refer the matter to the Judicial Commissioner.

Ditto.

490. When it is proposed to weed duplicate copies of works of any value, reference should be made to the Judicial Commissioner for information as to whether the books are required elsewhere.

Ditto.

491. Non-official publications and official publications which have been priced for sale to the public should, if it is decided to weed them under these instructions, be sold to the best advantage. All such publications shall, prior to sale, be stamped inside the cover "Sold by order of the Court." For this purpose a special stamp will be supplied on application made to the Registrar.

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CHAPTER XII

Forms.

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PRINTING AND INDENTS

492. Such of the revised rules for printing, including form printing, for Government officers, contained in Notification no 476/XVIII-277, dated 25th February 1909, and printed in paragraphs 2399 to 2444, pages 213 to 220, Department XVIII of the Manual of Government Orders, as will ordinarily be required by subordinate Courts have been incorporated in this chapter. Where the guidance thus given is insufficient the rules themselves should be referred to.

Rules of Local Government as to printing

493. (1) A list of forms available from the Government Press is given as Part I of Appendix D. Section (A) of the list gives English and section (B) Vernacular forms. Each form is at present known to the Press by the number given in the first column but, as soon as the existing supply of each form is exhausted, it will be known by the letter and number given in the second column.

Sanctioned forms

(2) A list of forms prescribed by the Digest (other than forms of which the headings are shown in the body of the Digest), is given in Part II of Appendix D. Each such form is referred to in the Digest by the serial number given it in this list. Such of these forms as are printed and therefore appear in Part I of Appendix D, are distinguished by the Press number (new) being added to the description of the form.

(3) The headings (or contents) of all the forms appearing in Part II are given in Part III of Appendix D.

(4) A list of such of the forms given in the Appendices of the Code as are not obtainable from the Government Press, but may, if desirable be printed locally is given in Part IV of Appendix D. For the headings of such forms reference should be made to the Code.

494. The District Judge shall be responsible that no forms other than those for the time being authorized by the Judicial Commissioner, shall be used in any Court within his jurisdiction.

Ditto.

495. Every Civil Court will be furnished annually by the Judicial Commissioner with the following printed form of indent for printed forms, and shall, after filling it in in accordance with the instructions below, submit it as required by paragraph 496 --

Form of Indent for printed forms

Number of registered form.	Average annual consumption for the past three years	Number of copies received on last indent.	Number at present in stock	Number now intended for	Remarks.
1	2	3	4	5	6

(Printing and Indents)

Instructions

The entry in column 2 shall be checked by the officer himself, by comparison with the statistics (if any) showing the number of incidents each year for which the form is used or by a consideration of the form itself and the likelihood of the consumption suggested by the office being a real consumption. In cases where column 4 shows the number of any form in stock to be in excess of two years' average consumption, the Head of the Department shall issue instructions for the balance to be distributed to other officers requiring that form.

When forms are to be bound into books it should be clearly stated how many leaves (a leaf is equal to two pages) are to be bound into each

Preparation of
indent

496. In Courts subordinate to the Court of the District Judge the indent shall be prepared by the presiding Judge with his own hand and shall be submitted to the District Judge not later than the 1st August. Forms enough to last for a whole year and to leave a margin of three months' consumption at the end of that year shall be entered in the indent. When forms are published in books the number of books should be stated. The District Judge, having received the indents for all Courts subordinate to him, shall despatch them with the indent for his own Court in time to admit of their reaching the Judicial Commissioner by the 26th August.

Responsibility of
Munsarims

497. District Judges should see that the foregoing instructions are duly carried out and that indents are reasonably and intelligently prepared, but it is the duty of Munsarims to keep up a proper supply of printed forms to see that they are put to no other use (e.g., making them up into envelopes) than that for which they are intended, and that their own stock accounts are regularly posted up.

Forms to be used
by petition writers

498. All licensed petition writers should be required to use the forms of plaint list of documents filed in Court, and application for execution of decree, mentioned in paragraph 510.

Supplementary
indents

499. The Judicial Commissioner will not pass on to the Press a supplementary indent unless satisfactory explanation of the unusual requirement is given him by the indenting officer.

Consignment of
forms by Press

500. The forms for each Court in a district will be sent by the Press, separately packed and labelled for each Court in one consignment to the District Judge or Subordinate Judge as the case may be at the headquarters of the district who shall upon receipt cause them at once to be forwarded to outlying Courts in the manner he may consider most convenient and economical. Forms for Courts at headquarters shall be distributed according to the provisions of paragraphs 507, 508 and 509.

Forms received from the Press should be carefully checked by the officer before the letter is returned to the Superintendent Government Press.

Punctuality of
supply

501. The Press are bound to supply the forms in the prescribed month without fail and the District Judge shall at once communicate to the Judicial Commissioner any failure on the part of the Press to supply by the proper date such forms as have been duly indentified for.

Surplus forms

502. Surplus forms should not be returned to the Government Press unless with the knowledge of the Superintendent, and all such consignments must be sent at carriage paid. When a large surplus of forms exists the Superintendent of the Government Press may be asked to arrange for their distribution.

(Printing and Indents—Custody and Distribution)

503. The following classes of forms may be printed locally, the cost being paid for and charged against his contract grant by the officer who causes the work to be done —

Printing locally.

- (1) at a cost of not more than Press is so delayed as to cause if forms cannot be borrowed

from a neighbouring office,

- (2) any unregistered form required temporarily for local purposes, provided that if such form requires the use of more than five reams of paper the special sanction of the Head of the Department must be obtained.

Note—In these rules "forms" includes registers and envelopes

CUSTODY AND DISTRIBUTION

504. For each Court an officer shall be appointed form-keeper. The form-keeper for the Court of the District Judge or, where there is no District Judge at headquarters, of the Subordinate Judge will also be the central form keeper.

The form keeper.

Frequent changes of form-keepers are not desirable, and the appointment should not be given to men who take the post merely as a step towards further promotion.

505. The officer appointed as form-keeper shall keep the stock of printed forms properly arranged according to their numbers in two or more presses, the English separately from the Vernacular

Arrangement of forms

506. In every office forms shall be kept as far as possible in a separate form room on open iron racks with marked compartments. A note of the number of forms received and issued and of the balance of each form after each receipt or issue, shall be placed with each variety of forms. The room shall be kept locked except when the form keeper is in it. No form shall be removed from its place except by the form keeper.

Ditto.

In order to facilitate the tracing of forms, it is convenient that the several compartments in the racks should be horizontally marked with the

a the racks
maintained,
to the rack

and compartment in which each is kept

When a supply of a form is received from the Press, the form keeper shall place the new supply below the existing stock of that form, and when the whole supply received has been arranged the Head Clerk or Munsarim shall examine the form room and satisfy himself that this has been done

507. The Courts at headquarters other than the Court of the District Judge or, where there is no District Judge at headquarters, of the Subordinate Judge, shall be supplied with forms by the central form-keeper once a month (or oftener if the District Judge or Subordinate Judge so order) upon indents regularly submitted by such Courts on or before such date as may be prescribed. In these indents the requirements of each Court shall be calculated with reference to the balance in hand and the state of business before it as ascertainable by the Munsarim from the judicial returns

Supply of forms
to subordinate
Courts at head-
quarters

(Custody and Distribution)

Issue—by central
form keeper

508. The central form-keeper shall only issue forms to any Court other than the Court of the District Judge or, where there is no District Judge at headquarters, of the Subordinate Judge, on receiving a properly drawn up indent from the Court

—by Court
form keeper

509. A Court form keeper shall not issue forms to the Nazir or Head Clerk or any other official for distribution, immediate or gradual to other officials. He shall issue forms only to the official actually using them, upon formal written requests. He shall file separately the requests of each official, and shall be responsible that the total tallies with his stock and his stock-book.

Custody of forms
for sale by Nazis

510. The Nazir of each Court shall keep the following forms in safe custody duly entered in a stock-book, and sell them at the rates laid down in this Digest. No form shall be sold in a packet of less than 100 each. The price realized shall be credited to Government under head "Printing and Stationery."

- (1) Last of documents filed in Court
- (2) Form of plaint
- (3) Form of application for execution of decrees
- (4) Application for copy
- (5) Application for inspection
- (6) Application for repayment of deposits
- (7) Tender for payment of money into Court
- (8) Forms of summonses

Stock book of forms

511. In every office a stock-book of forms shall be kept in the following form —

<i>Date</i>	<i>Number of copies received</i>	<i>Number issued</i>	<i>Balance</i>	<i>To whom issued.</i>	<i>Purpose for which issued</i>	<i>Signature of person receiving</i>

CHAPTER XIII. General Registers and Returns.

CONTENTS OF CHAPTER.

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REGISTERS	512—521.
RETURNS	522—544

REGISTERS.

512. The following registers shall be maintained in all Civil Courts subordinate to the Court of the Judicial Commissioner.—

Registers to be maintained in all Courts.

Register of Civil Suits (Form 1).

Register of Miscellaneous Cases (Form 1), that is, of the cases described in paragraphs 318 and 319 of the Digest.

Register of Applications for Execution of Decrees and Orders (Form 3).

Register of Persons committed to jail (Form 7).

Register of Property attached and sold in execution of decree and commission realized on sale (Form 8)

Statistical Register of Suits and Cases (Form 12).

513. The following registers shall also be maintained in the Courts of the District and Subordinate Judges.—

Additional registers to be maintained in appellate Courts.

Register of Regular Appeals from Decrees (Form 2).

Register of Miscellaneous Appeals (Form 2).

Statistical Register of Appeals (Form 13).

514. The following registers shall also be maintained in the Courts of District and Subordinate Judges invested with jurisdiction under section 3 of Act III of 1907 :—

Additional registers to be maintained in Courts invested with certain powers

Register of Stamp Duty levied on Probates, etc., before District Judges and Subordinate Judges (Form 6)

Register of Wills filed with Applications for the grant of Probates or Letters of Administration with the Wills annexed (Form 9)

Register of Insolvency petitions (Form 4).

Register of Insolvents' estates in the hands of Receivers (Form 5).

515. Every Central Nazir or Nazir shall maintain—

Nazir's registers and despatch register.

Process Register (Form 10).

Register of Peons (Form 11).

Despatch Register (Form 14).

Note—Registers in this form may also be used by Court officials and by the Central Nazir or Nazir for transmission of papers, other than returns of service of process, to and from their respective offices

516. The Court official appointed for the purpose by the presiding officer of each Court shall daily enter the particulars of the day's cases in the proper registers (including the Statistical Registers) and, at least once a month in the first week, the Court Reader shall lay these registers before

Duty of presiding officer in respect of registers.

(Registers)

the presiding Judge, who will inspect and sign his name and put the date under the entries of the previous month. District Judges Subordinate Judges, and Munsifs should also inspect and sign Munsarims' and Nazirs' registers

Registers to be maintained by Honorary Munsifs

517. The District Judge shall decide what registers shall be maintained by each Honorary Munsif subordinate to him, and such Honorary Munsif shall maintain those registers and no others

Divisional list of establishment to be kept by District Judge

518. A divisional list of establishment shall be kept in the office of the District Judge in the following form, and subject to the educational test and other conditions for appointment prescribed by Government, promotion shall be given with reference thereto and with due regard to the seniority in grade, qualifications and conduct of officials.

*Divisional list of establishment of**Judgeship*

Serial number in the grade	Name caste and residence of the official	Permanent post held by the official	Acting appointment if any	Date of entering Government service	Date of promotion to present grade	Examination passed by the official	Remarks
1	2	3	4	5	6	7	8

Casual leave register

519. Every authority which grants casual leave shall cause a register of such leave to be maintained for (1) gazetted officers and (2) ministerial officers in the following form. This register shall be regularly examined by inspecting officers

*Register of casual leave granted by**for 19*

Name of officer	Designation	Date on which leave begins	Date on which leave ends	Remarks
1	2	3	4	5

(Registers—Returns)

520. Under G Os no 332A, dated 7th April 1879 and no 1, Apprentices register dated 7th January 1882, a register of apprentices shall be kept up in the following form by the Munsarim of each Court —

Register of apprentices in the Court of _____ for 19 ____

Name	Date of entertainment	Work on which employed	Remarks as to character and work (to be recorded annually)
1	2	3	4

521. When an officer is transferred from the district no new registers will be supplied to his successor, but those kept up in his time will be continued, a note being made in each book to indicate the change

New registers need not be opened when an officer is transferred from the district

RETURNS.

522. A list of all prescribed civil returns is given in Appendix E. The serial number assigned to any form is the number which that form bears in the list of forms. The forms which bear no serial number are forms prescribed by Government for submission to Government, the Accountant General, &c

Prescribed returns

523. Periodical returns shall be completed by the official appointed to prepare them, by such date as may be prescribed in each case by the presiding officer, and checked by the Munsarim before transmission to the Court or department to which their submission is prescribed

Preparation and checking of periodical returns.

524. The following are the annual statements to be submitted by all Civil Courts, forms of which are given in Appendix D —

Imperial annual statements

- (1) Annual statement showing the number of officers exercising original or appellate jurisdiction (Form 54)
- (2) Annual statement showing the number and description of suits instituted (Form 55).
- (3) Annual statement showing the number and value of suits instituted (Form 56)
- (4) Annual statement showing the general result of the trial of civil suits in the Courts of original jurisdiction (Form 57)
- (5) Annual statement showing the general result of the trial of miscellaneous judicial cases in the Courts of original jurisdiction (Form 58)
- (6) Annual statement showing the business of the civil appellate Courts on appeals from decrees (Form 59)

(Returns.)

- (7) Annual statement showing the business of the civil appellate Courts in miscellaneous appeals (Form 60).
- (8) Annual statement showing the number and result of proceedings on applications for execution of decrees and orders (Form 61).
- (9) Annual statement showing the number and result of applications and proceedings in insolvency (Form 62).
- (10) Annual statement showing the use of assessors in Civil Courts (Form 63).
- (11) Annual statement showing the general result of the trial of suits instituted in the Courts of Village Munsifs (Form 64).
- (12) Annual statement showing the number and description of suits instituted in the Courts of Village Munsifs (Form 65).
- (13) Annual statement showing the number and value of suits instituted in the Courts of Village Munsifs (Form 66).
- (14) Annual statement showing the number of suits under section 64, of the Court

U. P. Act III of 1892.

Re-institutions to be noted.

525. On the reverse of statement in Form 57, a memorandum should be appended showing the number of re-institutions allowed under O IX, r. 4, by each officer.

Whenever District Judges observe that any of the Courts subordinate to them have *struck off in default* an unusually large number of suits, they should ascertain and report the causes at the time of submitting the statements. In practice, an unusual increase in such cases is a sure index of irregularity on the part of the Court either in the time of sitting or in the way in which parties are informed by the Court or its officers of what they have to do. Whenever the statistics show a large proportion of cases struck off in default, the District Judge should set himself to ascertain the cause, instead of resting satisfied that the state of things is inevitable. He may safely take it for granted that a cause exists, and he should try to discover and remedy it.

526. In the annual statements in Forms 55, 56, 57, 58 and 61, cases disposed of by Subordinate Judges or Munsifs sitting as Courts of Small Causes, under section 24, Act XIII of 1879, should be shown separately.

527. The total statistics for each class of Courts as well as the grand total for the district shall be given in all the returns.

528. District Judges shall submit to the Judicial Commissioner, together with the annual statements prescribed in paragraph 524, a report for the year on the administration of civil justice in the form prescribed by the Judicial Commissioner.

529. The reasons for any noticeable increase or decrease of figures as compared with those for the previous year should be stated in the civil report.

530. The number and nature of suits the value of which cannot be estimated in money should be detailed in annual reports.

531. District Judges' returns will accompany their annual reports.

Sub-Judges and Munsifs sitting as Courts of Small Causes.

Totals.

Annual administration report.

Ditto.

Ditto.

District Judges' returns.

(Returns)

532. A District Judge, before giving up his charge for six months, and in any other period, place on record for the information of the Judicial Commissioner the minutes embodying his opinions of those judicial officers subordinate to him of whose work he has had experience and generally regarding the administration of civil justice in the district.

District Judges
confidential notes

533. Judges of Small Cause Courts also shall submit their annual report together with the following annual statements —

Annual administration report of
Small Cause Courts

- (1) Annual statement showing the number of officers exercising original or appellate jurisdiction (Form 54)
 - (2) Annual statement showing the number and description of suits instituted (Form 55)
 - (3) Annual statement showing the number and value of suits instituted (Form 56)
 - (4) Annual statement showing the general result of the trial of civil suits in the Courts of original jurisdiction (Form 57)
 - (5) Annual statement showing the general result of the trial of miscellaneous judicial cases in the Courts of original jurisdiction (Form 58)
 - (6) Annual statement showing the number and result of proceedings on applications for execution of decrees and orders (Form 61)
- And, if specially invested with power under Act III of 1907, also
- (7) Annual statement showing the number and result of applications and proceedings in insolvency (Form 62)

534. The District Judges' reports with statements should reach the Judicial Commissioner by 15th February, and those of the Judges of Small Cause Courts by 15th January.

Dates prescribed
for submission of
annual reports

535. In the preparation of their annual reports officers should refrain from the expression of censure or criticism of officers of other departments of the Government. Cases in which such seems called for should be reserved for special and separate report, if it is thought necessary that they be brought to notice.

Censure of Gov
ernment officials

536. (a) District Judges, in addition to the annual statements prescribed in paragraph 524, shall submit to the Judicial Commissioner the following annual statements, of which (1) shall be submitted early in April and (2) and (3) early in January each year —

Addi tional annual
statements

- (1) Statement showing Probates, Letters of Administration and Succession Certificates issued in their Judgeships (Form 69)
- (2) Return of renewed certificates of Pleaders required under paragraph 271, rule IX of the Digest
- (3) Return showing receipts of sale proceeds of (1) unclaimed escheated property and (2) of property forfeited (Form 70, see note)

(b) District Judges shall ascertain under the rules the permanent staff of process servers required for their own and subordinate Civil Courts and submit a compilation in Form 68 of district totals to the Judicial Commissioner. As Government sanction has to be obtained to these estimates, they should reach the Judicial Commissioner as soon as practicable prior to the 1st December.

(Returns)

Statement of re-
ceipts of sale com-
mission fees

537. All Courts shall, in addition to the returns hereinbefore prescribed, submit to the District Judge at the end of each half-year ending with 30th June and 31st December a statement showing receipts on account of sale commission fees in Form 70.

The District Judge shall submit the consolidated statement of such receipts so that it reach the Judicial Commissioner's Court not later than the 15th of the month following the half-year to which it relates

Weeding state-
ment.

538. The District Judges shall submit quarterly to the Court of the Judicial Commissioner, statements in Form 72, showing the progress made in weeding papers in their own record rooms and in those of the Subordinate Judges under them who have separate record rooms. These statements should reach the Judicial Commissioner's Court not later than the 10th of the month following the quarter to which they relate

Probate of wills of
persons of European
extraction

539. District Judges shall submit direct to the Secretary to Government, United Provinces, a quarterly return (Form 71) showing the grants made by their Courts of probate and administration in the cases of the estates of all persons of European extraction whether British subjects or not

Explanations of
delay in deciding
suits

540. At the end of every quarter, each subordinate Court will submit to the District Judge explanations of delay in Regular and Small Cause Court suits pending over six months in Form 73, and explanations of delay in Execution cases pending over one year in Form 74

The District Judge shall examine the explanations of delay, endorse his remarks thereon regarding dilatory and improper procedure, and forward to the Court of the Judicial Commissioner, with the monthly statements for the last month of the quarter, all the explanations of delay received from Courts, in Regular and Small Cause Court suits and in Execution applications pending more than one year, together with similar explanations of cases pending in his own Court

These explanations will be submitted to the Court of the Judicial Commissioner not later than the 10th of the month following every quarter

The District Judge will return the explanations of delay in suits pending less than one year to the Courts concerned

The Court of the Judicial Commissioner will return the explanations with the orders of the Judicial Commissioner through the District Judge to the Courts concerned

The explanations in each case will be written on a separate form, and, if the case relating to the said explanations is not decided by the next time for submission of explanations, the original explanations will be submitted with additios to show what has been done in the case since it was last submitted. The explanation should not be re-written and no office copy of the explanation need be kept

No explanations are required in case of—

(1) suits to which O IX, r 5, applies,

(2) applications for execution when the decrees are being satisfied in instalments by attachment from salary

(Returns)

The entries in the form of explanation should be precise and clear. The dates on which orders are passed should be written clearly above the order in column 3 of Form 74 and close and minute writing should be avoided. The name of the officer in whose Court any case is instituted and of the officer or officers to whom it is from time to time transferred should be entered in the first column of the explanation in red ink with the date of such transfer.

At the end of the year brief explanations on half margin will be submitted to the Court of the Judicial Commissioner of appeals from decrees pending more than six months and of appeals from miscellaneous orders pending more than three months shown in the annual returns, Forms 59 and 60 and also for miscellaneous suits pending over six months shown in the annual return, Form 58.

The Judicial Commissioner's orders on these explanations will be communicated to the District Judge and through him also to subordinate Courts.

541. At the end of every quarter in the year all the Courts shall submit to the District Judge a list in the following form of cases in which there has been a delay of more than a month from the last date of hearing arguments in delivery of judgments. Delay in writing judgments

The District Judge will examine the lists so sent up and endorse thereon his orders regarding the delay. The lists sent up by the Subordinate Judges shall be forwarded together with that for his own Court to the Judicial Commissioner. The lists sent up by the Munsifs shall be returned after endorsement.

Statement of cases in which there has been delay of a month in delivery of judgments in the Court of *during quarter ending*
19 .

Name of Court	No. and date of institution	Date of conclusion of arguments	Date of delivery of judgment	Brief explanation of delay
1	2	3	4	5

542. The District Judges shall submit monthly to the Court of the Judicial Commissioner statements of work done in Form 75 for their Courts and in Forms 76 and 77 for the Courts of the Subordinate Judges and Munsifs, respectively, and in Form 78 for Judges of Small Cause Courts (proper) in their judgeships not later than the 10th of the month following that to which the statements relate. Statements of work done by Courts.

The subordinate Courts will forward their statements to the District Judge not later than the 5th of the month following that to which the statements relate.

(Returns)

List of transfers
of land

543. As soon after the close of the month as practicable, each Court shall furnish to the Deputy Commissioner of the district a list, in the following form, of transfers of land effected in execution of decrees. Particular care should be taken in the preparation of the list, so that mutual assistance may be afforded to Deputy Commissioners in keeping up correct registers of landholders.

*Monthly list of transfers of land effected by the Civil Court of
in execution of decrees.*

Column headings.

1. Pargana.
2. Revenue mahal.
3. Sub-division of mahal.
4. Area or share with *hasra* number in case of specific plot of land and rent thereof.
5. Particulars of tenure.
6. Former owner's name, parentage and residence.
7. New transferee's name, parentage and residence.
8. Nature of transfer, and whether possession is given of land or estate held in severalty, or whether transferee is decreed a share in the profits of an undivided estate.
9. Date of decree.
10. Date of transfer.
11. Period of transfer

General instructions.

544. When a periodical return is blank, report should be made in Form 92; a blank copy of the return itself should not be sent. When a return is not submitted on its due date, explanation of the delay should precede it, and thus prevent the issue of a reminder.

CHAPTER XIV.

Accounts.

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GENERAL

545. In this chapter, unless there is anything repugnant in the subject or context,

Definitions.

"Outlying Munsifi" means the Court of a Munsifi whose Court is not situated at the headquarters of a District Judge or of a Subordinate Judge and

"Outlying Munsifi" means the presiding Judge of an outlying Munsifi

"Outlying Subordinate Judge" means a Subordinate Judge whose headquarters are situated in an outlying district

"Receiving officer" means—

(i) in the case of an outlying Munsifi or of the Court of Small Causes, City Lucknow, the Nazir of such Court, and

(ii) in the case of any other Court, the Central Nazir

"Treasury" means the Treasury or Sub-Treasury of the revenue district or sub-division of a district in which a Civil Court is situated

"Treasury Officer" means the officer in charge of the Treasury or Sub-Treasury of the revenue district or sub-division of a district in which a Civil Court is situated

546. The following Courts shall have separate accounts with the Treasury and the Accountant General —

Courts keeping separate accounts.

(1) Courts of all District Judges,

(2) Courts of outlying Subordinate Judges, and

(3) The Court of Small Causes, City Lucknow

547. The following are the heads of account under which the money received and paid under these rules is classified —

Heads of account.

(1) Civil Court deposits and repayments, including —

(i) Sums paid under decrees and orders,

(ii) Sums deposited under O XX, r 14 and O XXIV, r 1, of the Code and section 83 of Act IV of 1852,

(iii) Sums deposited under O XXI, r 51, or paid under O XXI, r 52,

(iv) Sums deposited under section 15(1) of Act VII of 1857

(v) Sums deposited in lieu of security, and

(vi) Sums deposited under the Land Acquisition Act (I of 1894)

(General)

(2) Payments and refunds under —

- (i) Fines, section 480 of Act V of 1898,
- (ii) Stamp duties and penalties, section 35 of Act II of 1899,
- (iii) Fixed postal fees under paragraphs 171 and 355, and

(3) Petty cash accounts including —

- (i) Travelling and other expenses of witnesses,
- (ii) Subsistence money for judgment debtors,
- (iii) Sums paid under the rules framed by the Local Government under section 27, Act XVIII of 1876 and O XXI, r 43,
- (iv) Incidental charges of commissioners and arbitrators, etc.,
- (v) Commission fees received from, or for, other Courts,
- (vi) Postage and registration fees (other than fixed postal fees),
- (vii) Costs of publication of proclamations and orders,
- (viii) Carriage hire for the Bailiff, Small Cause Court, City Lucknow, for service of processes and execution of warrants of arrest,
- (ix) Copying charges received by money order under paragraph 390 of this Digest, and
- (x) Receipts from a party or a Court under paragraph 126 (1) and (2)

Payments to or
through a Court

548. Payments of money to, or through a Civil Court shall be made in cash or by postal money order or by credit of some kind upon the Treasury. Currency notes of any circle shall be received in payment of Government dues, *e.g.* sums payable to the Secretary of State under decrees and orders, sums deposited under section 14 (1) of Act VII of 1880, duties and penalties paid under section 35 of Act II of 1899. *Currency notes of the Cawnpore Circle only shall be received in payment of other sums.* It shall not be obligatory to receive a currency note of any circle if it is necessary to give change. Postage stamps shall not be received.

Remittance
money order by

549. In the case of remittance of money from one Court to another by postal money order, the title of the case and the nature of the remittance shall be entered in the coupon, all the requisite entries in the form of application for the money order being prepared free of charge by the Receiving Officer.

The money order shall be addressed to the Munsiff of a District Court, or Court of Small Causes, and in other cases to the presiding Judge.

Deposits in cash

550. Direct receipts of money which fall under head of account (1) of paragraph 547 shall, as far as possible, be avoided by Courts, but where the distance between the Court and the Treasury is such that in the opinion of the District Judge inconvenience to applicants would arise, he may sanction the receipt by the Receiving Officer of cash deposits not exceeding Rs. 50 each provided that where remittances to the nearest Sub Treasury are not made duly by the Receiving Officer of any Court the limit of cash receivable under a single deposit shall be Rs. 10.

(General—Receipt of Money)

- (iv) Register of Petty Receipts and Repayments (Form 18)
- (v) Cash Book (Form 19)
- (vi) Pass Book (Form 20)

Use of English figures

555. English figures shall invariably be used in all accounts and office reports

556. No erasures shall be allowed in any register, book or extract kept under these rules where an alteration is necessary, the original figures shall be crossed out and the correct figures placed above them in red ink, and initialled by the presiding Judge

Defalcation or other loss of public money

557. On the occurrence in any department of a Civil Court of any defalcation or other loss of public money, the fact shall be at once reported to the Judicial Commissioner

When the matter has been fully inquired into a further complete report shall be submitted to the Judicial Commissioner of the nature and extent of the loss showing the errors or neglect of rules by which such loss was rendered possible

Mode of payment of money into Court

RECEIPT OF MONEY

558. Payment of money into Court shall ordinarily be made by means of a tender upon a printed triplicate form. These forms shall be delivered free of charge to applicants at the Court or may be obtained at one pice apiece from licensed stamp vendors to whom they will be issued in quantities of not less than one hundred at a time at the rate of twelve annas a hundred. The applicant shall enter in English or in the Court vernacular the particulars required in columns 1 to 4 of the triplicate Form of Tender (Form 21) and shall affix

called the
The appli
which printed

Note 1—No stamp is required for

18
11
gi

which a party is bound to pay
use in cases where the payment
is made by a mortgagee and the
by a duly stamped application

Note 2—In the case of sums deposited under section 14(1) of Act VII of 1889 the tender shall show that the amount is deposited to the credit of the Judge

Ditto

559. The Munsarim shall then call upon the official in charge of the record of the case for an office report as to whether the amount and nature of the payment tendered and the number of the suit, if any, are correct, and whether the payment is due from the person on whose account it is tendered. Any necessary corrections shall be made, and the Munsarim shall then sign the tender prior to the order for receipt of payment being passed.

Ditto

560. The order to receive payment shall be prepared in the office of the Court and shall be enclosed upon the duplicate and triplicate forms of the tender and shall run in the name of the Treasury or Receiving Officer as prescribed in paragraphs 551 and 552. The order shall be signed by the presiding Judge for all amounts payable under heads of account (1) and (2) and by the Munsarim for all amounts payable under head of account (3). The original tender shall be retained in safe custody by the Munsarim, the duplicate and triplicate forms being returned to the applicant

(Receipt of Money)

for presentation and payment of the money to the officer named in the order endorsed thereon

561. The Munsarim shall be responsible that no unnecessary delay occurs in supplying printed forms of tender to applicants, in obtaining the office report and the order to receive payment, and in returning the duplicate and triplicate forms of tender to the applicant

Mode of payment of money into Court

562. On presentation of the two tender forms, and on payment of the money to the officer named in the Court's order to receive payment, the Receiving Officer shall retain one of the forms of tender retained as a voucher by the Receiving Officer. In the case of

Ditto

payment made otherwise than in cash or currency notes, the acknowledgments shall not issue until the security has been realized

563. Every receipt of money under paragraphs 551 and 552 by the Receiving Officer shall be forthwith entered by him—

Pass Book and Register of Petty Receipts

(a) in the Pass Book if the item falls under head of account (1) or (2),

(b) in the Register of Petty Receipts and Repayments if the item falls under head of account (3)

564. Except as hereinafter in this paragraph provided, the sums entered in the Pass Book shall, as soon as possible after the time for receiving money under paragraph 553 has expired be forwarded on the day of receipt to the Treasury, together with the Pass Book and an extract therefrom, showing the several classes of receipts in their appropriate columns. The extract shall be retained by the Treasury Officer, who shall return the Pass Book with his acknowledgment thereon of receipt of the remittance

Remittance of receipts to the Treasury

Municipal Board, as the case may be. A note that the sum has been paid into the Treasury as rent for the use of the pound will be recorded on the extract from the Pass Book. The amount shall then be entered on the payment side of the Register of Petty Receipts and Repayments

Note 2—Sums entered in columns 11 to 17 of the Pass Book shall not be brought in to the Cash Book

565. When money is remitted to a Civil Court under cover of a money order or a letter the procedure shall be as follows —

Procedure in case of remittance by money order or letter

The money order or letter and the amount remitted shall be received by the Munsarim and shall be laid before the presiding Judge, and an acknowledgment under his money order or letter required. The money order or letter shall be affixed, and shall deduct the sum for deposit, it shall be filed as an original tender with the record of the case. If the money order or letter cover more sums than one for deposit, the coupon or letter shall be filed in a separate file of tenders by letter. For each item a triplicate form of tender shall be prepared in the office, a reference being made in column 1 to the original letter. The procedure laid down in the preceding paragraphs shall then be followed, except that such sums shall in all cases be made payable to the Receiving Officer of the Court

(Receipt of Money)

Advice List

566. Every receipt or repayment of deposit, either direct or by transfer, at the Treasury shall be recorded in an Advice List (Form 22) which shall be forwarded at the close of the day or as soon thereafter as possible to the Receiving Officer of the Court concerned. The Advice List when received shall be pasted in a file book to be kept for the purpose.

Items received under cover of the Receiving Officer's Pass Book shall be entered in a lump sum in the Treasury Advice List.

Method of main-
taining correspond-
ence between
Court and Treasury
Accounts

567. To prevent disagreement between the returns of receipts and repayments of deposits submitted to the Accountant General by the Judge or by the outlying Subordinate Judge and the Treasury Officer the Courts must be careful to enter only completed transactions in their deposit registers, that is, deposit items of which the receipt or repayment has been advised by the Treasury Officer. When the Advice List is not received on the date of actual receipt or repayment the date of entry should be written as a numerator and the date of actual receipt or repayment as a denominator, in the registers, thus $\frac{1}{2}$ April.

No deposit item shall in any case be entered in the registers of the Civil Court unless and until the advice of deposit or repayment has been received from the Treasury, e.g., when, after confirmation of sale the Deputy Commissioner of the district intimates that the amount of the purchase money is transferred and held at the disposal of the Civil Court the amount shall not be entered in the Register of Receipts of Deposits until it has been included in the Treasury Advice List of receipts and similarly when an amount is transferred from Civil Court deposits under paragraph 579 (note) or paragraph 621 it shall not be entered as a repayment until the Treasury Officer has so advised on the repayment side of his Advice List.

Note—Sale proceeds (including earnest money) of land sold by a Deputy Commissioner under clause (1) of paragraph 200 shall after deduction of the auction fees leviable under clause (7) of paragraph 200 be credited by the Deputy Commissioner in the first instance to Revenue Deposits. When the sale is confirmed and intimation of the confirmation given to the Deputy Commissioner he will at once transfer the sale proceeds to Civil Deposits in the Treasury account and intimation shall

Ditto

568. To secure agreement between the annual Treasury and Court figures, the Deposit Registers Forms 15 and 16 for the month of March shall be kept open till the 5th of April each year. The Treasury Officers concerned shall see that all items received or repaid by the 31st of March are duly advised within this period.

Any delay in the submission of Advice Lists by Treasury Officers after the 5th of April shall be reported by the Courts concerned to the Accountant General through the District Judge.

In case of any discrepancy remaining between the Court and the Treasury figures after the 5th of April it should be reconciled by the Court after a reference to the Treasury Officer concerned.

Ditto.

569. At the close of the day, the Munim shall compare his original tenders with the Advice List received from the Treasury and with the Receiving Officer's Register of Party Receipts and Repayments and Pass Book. When receipt has been advised, the Receiving Officer

(Receipt of Money—Payment of Money)

shall certify such receipt upon the original tender, giving the number of the register and the serial number and date of the entry. The Munsarim shall then cause the Original Tender to be filed with the record to which it relates.

570. A week before the close of each month the Treasury Officer in charge of the District Treasury will, at the time he sends the information to officers in charge of Sub Treasuries, inform the District Judge or the outlying Subordinate Judge, and the outlying Munsifs of the date up to which the transactions of the Sub Treasuries for such month will be incorporated in the district accounts, and only items received or paid up to such date shall be shown in the monthly extracts forwarded under paragraph 605 to the District Judge or the outlying Subordinate Judge. Items of subsequent dates shall be carried forward and included in the extracts for the following month under a double date in the manner prescribed in paragraph 567 of this Digest.

Me hod of main-
taining correspond-
ence between Court
and Treasury Ac-
counts

571. Receipts under head of account (1) shall be entered in the Register of Receipts of Deposits. Receipts under head of account (2) shall be entered in the Register of Fines, Stamp Duties and Penalties.

Entry of receipts
under head of ac-
count (1)

PAYMENT OF MONEY

572. The repayment of sums entered in the Register of Petty Receipts and Repayments shall be made by the Receiving Officer. When any sum paid out to a process server or to a person other than the depositor for delivery to the person entitled to the same is returned to the Receiving Officer unexpended in whole or in part it shall be re-entered in the Register upon the receipt side under a new deposit number, the name of the person returning it shall be entered in column 4 and a reference to the serial number of the original receipt shall be given in column 6 thus "Unexpended balance of receipt serial no 432." Particulars of the new entry shall then be made in the margin opposite the original entry. Thus all such original and subsequent entries will be interlinked. Repayment of such unexpended items, provided they have not been remitted to the Treasury as miscellaneous deposits (see paragraphs 602 and 610), may be made by the Receiving Officer direct to the original payer or his duly authorized agent either upon signature of the recipient taken in column 15, or by means of a postal money order.

Repayment of
petty receipts

At the end of each week the Receiving Officer of every Court shall ascertain what balances of moneys deposited and entered in the Register of Petty Receipts and Repayments are due, and become repayable during the preceding week, and shall enter a minute in respect of each such balance in Form 23 which form shall be affixed to the notice board in a conspicuous part of the Court house.

573. No sum shall be made except (1) form (Form 25) bearing an office

Repayment of
other than petty
items

such orders. Form 25
whom the order is
The form of

free of charge at the Court house or may be obtained at one pice apiece from licensed stamp vendors, to whom they will be issued in quantities of not less than one hundred at a time at the rate of twelve annas a hundred.

(Payment of Money.)

No such form other than the printed form so supplied or issued shall be received by a Court.

Repayment of
other than petty
items.

574. Before the form of application for repayment is signed by the person to whom the money is due and payable, columns 1 to 4 shall be filled up by him. The form shall then be presented to the Munsarim of the Court by which the money is held in deposit. The application shall bear the Court-fee, if any, prescribed by law. If the person to whom the money is due and payable appears in person to receive the money and is not personally known to the presiding Judge, no order for payment shall be made until he has been identified by a pleader or other person known to such Judge. If the person to whom the money is due and payable does not appear in person, no order for payment shall be made unless and until the presiding Judge is satisfied that the person asking for payment has been duly authorized by the person to whom it is due and payable by an instrument in writing to receive the money.

Note—The Governor General in Council has been pleased to remit the Court fee chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of Schedule II to Act VII of 1870 on application for orders for repayment of deposits in cases in which the deposit does not exceed Rs. 25 in amount provided that the application is made within three months of the date on which the deposit first became payable to the party making the application (*Notification of the Government of India, Department of Finance and Commerce, S. E. Stamp, Judicial, no. 4650, dated the 10th September 1899*).

574A. Applications for repayment of sums of and less than Rs. 100 due to a Co operative Society, registered under Act II of 1912, may be sent or presented to a Court with a request that the amount due, minus postal commission, be forwarded by postal money order payable to an official of the Society, authorized to receive payments on its behalf, at the registered address of the Society, such applications must be signed by the said official.

The Court, if satisfied that the application is genuine and that the sum is due, shall send a Repayment Order to the Treasury Officer, who will issue a money order for the amount, less postal commission, payable to the said official at the registered address of the Society.

Lists of such authorized officials as are mentioned above, with specimens of their signatures, will be supplied to District Judges by the Registrar of Co operative Societies.

Application for
repayment to be
compared with
record of the case.

575. If the record has not been sent to the record room, the Munsarim shall cause the application to be compared with the record of the case, and a report shall be made in columns 5, 6, and 7 of the form of application, and shall be signed by the Munsarim. If the application be found to be incorrect or defective the error or defect shall be noted upon it and it shall be returned to the applicant for correction by him, or for reference by him to the Court.

When the record
is in District or
Subordinate Judge's
office.

576. If the record of the case has been despatched to the record room the the Record Keeper, who shall 7 inclusive, of the form of

Receiving Officer's
report.

577. If the application is made shall then report as to the particulars required in column 8 of the form of application and shall sign the same. The Receiving Officer before making his report shall carefully ascertain whether or not there is any attachment or stop order affecting the money.

(Payment of Money)

578. The application shall then be laid before the presiding Judge for his order, and if the order be one for repayment, the amount to be repaid shall be entered in figures upon the form of application by the presiding Judge in his own handwriting, after he has satisfied himself that the balance at the credit of the applicant is sufficient to meet the claim.

Order of presiding Judge

579. The Repayment Order shall be prepared by the Munsarim in the form and manner prescribed by the Accountant General, United Provinces. If the presiding Judge is acquainted with English the entries in Repayment Order on both voucher and counterfoil shall be made in English.

Repayment order.

If the presiding Judge is not acquainted with English the entries on the counterfoil shall be made in Urdu and those on the voucher shall be made both in Urdu and in English. When an entry is made in Urdu the amount shall be noted in English figures. The presiding Judge shall himself enter in figures in the space provided above his signature both in the voucher and in the counterfoil the amount of repayment ordered by him.

Note—In cases where Court-fee stamps are to be purchased by the Receiving Officer from deposits (e.g., under section 14(1) of Act VII of 1893) the final order for repayment of such deposits shall contain a direction to the Treasury Officer to pay the amount in stamps to the Receiving Officer of the Court to whose credit it was deposited, and to transfer the amount from Civil Court deposits to Stamp Revenue.

580. The Munsarim shall be responsible that no unnecessary delay occurs in supplying printed forms of application to applicants, in obtaining the necessary report, and preparing the Repayment Order and delivering the same to the applicant.

Duty of Munsarim

581. Forms for the repayment of Civil Court deposits are issued in books of 100 forms. For the sake of convenience the books are divided into two parts. The first part contains forms bearing numbers 1 to 50, and the second part numbers 51 to 100. In addition, each book bears a printed serial number repeated on every form in the book. The Repayment Orders are in Form no. 31, Civil Account Code.

Bilingual forms.

582. The numbers of the books run in regular series for the whole of the United Provinces.

Books of forms.

583. These books will be supplied by Treasury Officers to presiding Judges of Courts on written application, in books of 100 forms, both parts of which shall be issued simultaneously by the Treasury Officer.

—to be supplied by Treasury Officers

584. Civil Courts will indent (in the case of subordinate Courts, through the District Judge or the outlying Subordinate Judge, on the Treasury for a new Repayment Order Book, when the book in use is approaching completion, but care must be taken that the new book is not brought into use until all the forms in the old book have been issued. The presiding Judge must at once report to the Treasury Officer when he begins to issue forms from a new book. The completed counterfoils will not be returned to the Treasury, but will be retained by the Court. The presiding Judge will count the forms in the book received, and give a receipt that a certain book containing so many forms has been received.

Indents for Repayment Order Books.

585. Civil Court Order Any

Procedure on transfer of an officer

(Payment of Money)

No such form other than the printed form so supplied or issued shall be received by a Court

Repayment of other than petty items.

574. Before the form of application for repayment is signed by the person to whom the money is due and payable, columns 1 to 4 shall be filled up by him. The form shall then be presented to the Munsarim of the Court by which the money is held in deposit. The application shall bear the Court-fee, if any, prescribed by law. If the person to whom the money is due and payable appears in person to receive the money and is not personally known to the presiding Judge, no order for payment shall be made until he has been identified by a pleader or other person known to such Judge. If the person to whom the money is due and payable does not appear in person, no order for payment shall be made unless and until the presiding Judge is satisfied that the person asking for payment has been duly authorized by the person to whom it is due and payable by an instrument in writing to receive the money.

Note—The Governor General in Council has been pleased to remit the Court-fee chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of Schedule II to Act VII of 1870 on application for orders for repayment of deposits.

575.

Rs 100

to be sent

by post

commission, be forwarded by postal money order payable to an official of the Society, authorized to receive payments on its behalf, at the registered address of the Society, such applications must be signed by the said official.

The Court, if satisfied that the application is genuine and that the sum is due, shall send a Repayment Order to the Treasury Officer, who will issue a money order for the amount, less postal commission, payable to the said official at the registered address of the Society.

Lists of such authorized officials as are mentioned above, with specimens of their signatures, will be supplied to District Judges by the Registrar of Co-operative Societies.

Application for repayment to be compared with record of the case.

575. If the record has not been sent to the record room, the Munsarim shall cause the application to be compared with the record of the case, and a report shall be made in columns 5, 6, and 7 of the form of application, and shall be signed by the Munsarim. If the application be found to be incorrect or defective, the error or defect shall be noted upon it and it shall be returned to the applicant for correction by him, or for reference by him to the Court.

When the record is in District or Subordinate Judge's office.

576. If the record of the case has been despatched to the record room, the application shall be sent to the Record Room, 7 inclusive, of the form.

Receiving Officer's Report.

577. The Receiving Officer of the Court to which the application is made shall then report as to the particulars required in column 8 of the form of application and shall sign the same. The Receiving Officer before making his report shall carefully ascertain whether or not there is any attachment or stop order affecting the money.

(Payment of Money)

578. The application shall then be laid before the presiding Judge for his order, and if the order be one for repayment, the amount to be repaid shall be entered in figures upon the form of application by the presiding Judge in his own handwriting, after he has satisfied himself that the balance at the credit of the applicant is sufficient to meet the claim.

Order of presiding Judge.

579. The Repayment Order shall be prepared by the Munsarim in the form and manner prescribed by the Accountant General, United Provinces. If the presiding Judge is acquainted with English the entries in Repayment Order on both voucher and counterfoil shall be made in English.

Repayment order.

If the presiding Judge is not acquainted with English the entries on the counterfoil shall be made in Urdu and those on the voucher shall be made both in Urdu and in English. When an entry is made in Urdu the amount shall be noted in English figures. The presiding Judge shall himself enter in figures in the space provided above his signature both in the voucher and in the counterfoil the amount of repayment ordered by him.

Note—In cases where Court fee stamps are to be purchased by the Receiving Officer from deposits (e.g., under section 14(1) of Act VII of 1839) the final order for repayment of such deposits shall contain a direction to the Treasury Officer to pay the amount in stamps to the Receiving Officer of the Court to whose credit it was deposited, and to transfer the amount from Civil Court deposits to Stamp Revenue.

580. The Munsarim shall be responsible that no unnecessary delay occurs in supplying printed forms of application to applicants, in obtaining the necessary report, and preparing the Repayment Order and delivering the same to the applicant.

Duty of Munsarim.

581. Forms for the repayment of Civil Court deposits are issued in books of 100 forms. For the sake of convenience the books are divided into two parts. The first part contains forms bearing numbers 1 to 50, and the second part numbers 51 to 100. In addition, each book bears a printed serial number repeated on every form in the book. The Repayment Orders are in Form no. 31, Civil Account Code.

Bilingual forms.

582. The numbers of the books run in regular series for the whole of the United Provinces.

Books of forms.

583. These books will be supplied by Treasury Officers to presiding Judges of Courts on written application, in books of 100 forms, both parts of which shall be issued simultaneously by the Treasury Officer.

—to be supplied by Treasury Officers.

584. Civil Courts will indent (in the case of subordinate Courts, through the District Judge or the outlying Subordinate Judge, on the Treasury for a new Repayment Order Book, when the book in use is approaching completion; but care must be taken that the new book is not brought into use until all the forms in the old book have been issued. The presiding Judge must at once report to the Treasury Officer when he begins to issue forms from a new book. The completed counterfoils will not be returned to the Treasury, but will be retained by the Court. The presiding Judge will count the forms in the book received, and give a receipt that a certain book containing so many forms has been received.

Indents for Repayment Order Books.

585. Civil Court Order Any

Procedure on transfer of an officer.

(Payment of Money.)

No such form other than the printed form so supplied or issued shall be received by a Court.

Repayment of
other than petty
items.

574. Before the form of application for repayment is signed by the person to whom the money is due and payable, columns 1 to 4 shall be filled up by him. The form shall then be presented to the Munsarim of the Court by which the money is held in deposit. The application shall bear the Court-fee, if any, prescribed by law. If the person to whom the money is due and payable appears in person to receive the money and is not personally known to the presiding Judge, no order for payment shall be made until he has been identified by a pleader or other person known to such Judge. If the person to whom the money is due and payable does not appear in person, no order for payment shall be made unless and until the presiding Judge is satisfied that the person asking for payment has been duly authorized by the person to whom it is due and payable by an instrument in writing to receive the money.

Note—The Governor General in Council has been pleased to remit the Court's chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of Schedule II to Act VII of 1870 on application for orders for repayment of deposits in

and Commerce, S. & Stamps, Judicial, No. 2650, dated the 10th September 1900.

574. If the sum of money is less than Rs. 100 due to a person, Act II of 1912, may be sent or present. The amount due, minus postal commission, be forwarded by postal money order payable to an official of the Society, authorized to receive payments on its behalf, at the registered address of the Society, such applications must be signed by the said official.

The Court, if satisfied that the application is genuine and that the sum is due, shall send a Repayment Order to the Treasury Officer, who will issue a money order for the amount, less postal commission, payable to the said official at the registered address of the Society.

Lists of such authorized officials as are mentioned above, with specimens of their signatures, will be supplied to District Judges by the Registrar of Co-operative Societies.

Application for
repayment to be
compared with
record of the case.

575. If the record has not been sent to the record room, the Munsarim shall cause the application to be compared with the record of the case, and a report shall be made in columns 5, 6, and 7 of the form of application, and shall be signed by the Munsarim. If the application be found to be incorrect or defective the error or defect shall be noted upon it and it shall be returned to the applicant for correction by him, or for reference by him to the Court.

When the record
is in District or
Subordinate Judge's
office.

576. If the record of the case has been despatched to the record room, the Record Keeper, 7 inclusive, of the

Receiving Officer's
report.

577. The Receiving Officer of the Court to which the application is made shall then report as to the particulars required in column 8 of the form of application and shall sign the same. The Receiving Officer before making his report shall carefully ascertain whether or not there is any attachment or stop order affecting the money.

(Payment of Money)

578. The application shall then be laid before the presiding Judge for his order, and if the order be one for repayment, the amount to be repaid shall be entered in figures upon the form of application by the presiding Judge in his own handwriting, after he has satisfied himself that the balance at the credit of the applicant is sufficient to meet the claim.

Order of presiding Judge

579. The Repayment Order shall be prepared by the Munsarim in the form and manner prescribed by the Accountant General, United Provinces. If the presiding Judge is acquainted with English the entries in Repayment Order on both voucher and counterfoil shall be made in English.

Repayment order.

If the presiding Judge is not acquainted with English the entries on the counterfoil shall be made in Urdu and those on the voucher shall be made both in Urdu and in English. When an entry is made in Urdu the amount shall be noted in English figures. The presiding Judge shall himself enter in figures in the space provided above his signature both in the voucher and in the counterfoil the amount of repayment ordered by him.

Note—In cases where Court fee stamps are to be purchased by the Receiving Officer from deposits (e.g., under section 14(1) of Act VII of 1893) the final order for repayment of such deposits shall contain a direction to the Treasury Officer to pay the amount in stamps to the Receiving Officer of the Court to whose credit it was deposited and to transfer the amount from Civil Court deposits to Stamp Revenue.

580. The Munsarim shall be responsible that no unnecessary delay occurs in supplying printed forms of application to applicants, in obtaining the necessary report, and preparing the Repayment Order and delivering the same to the applicant.

Duty of Munsarim

581. Forms for the repayment of Civil Court deposits are issued in books of 100 forms. For the sake of convenience the books are divided into two parts. The first part contains forms bearing numbers 1 to 50, and the second part numbers 51 to 100. In addition, each book bears a printed serial number repeated on every form in the book. The Repayment Orders are in Form no 31, Civil Account Code.

Bilingual forms.

582. The numbers of the books run in regular series for the whole of the United Provinces.

Books of forms

583. These books will be supplied by Treasury Officers to presiding Judges of Courts on written application, in books of 100 forms, both parts of which shall be issued simultaneously by the Treasury Officer.

—to be supplied by Treasury Officers

584. Civil Courts will indent (in the case of subordinate Courts, through the District Judge or the only Subordinate Judge, on the Treasury for a new Repayment Order Book, when the book in use is approaching completion, but care must be taken that the new book is not brought into use until all the forms in the old book have been issued. The presiding Judge must at once report to the Treasury Officer when he begins to issue forms from a new book. The completed counterfoils will not be returned to the Treasury, but will be retained by the Court. The presiding Judge will count the forms in the book received, and give a receipt that a certain book containing so many forms has been received.

Indents for Repayment Order Books.

585. O
Civil Court De
Order Books

Any judicial officer who receives a Court order must be satisfied that the

Procedure on transfer of an order

(Payment of Money)

No such form other than the printed form so supplied or issued shall be received by a Court

Repayment of other than petty items.

574. Before the form of application for repayment is signed by the person to whom the money is due and payable, columns 1 to 4 shall be filled up by him. The form shall then be presented to the Munshim of the Court by which the money is held in deposit. The application shall bear the Court-fee, if any, prescribed by law. If the person to whom the money is due and payable appears in person to receive the money and is not personally known to the presiding Judge, no order for payment shall be made until he has been identified by a pleader or other person known to such Judge. If the person to whom the money is due and payable does not appear in person, no order for payment shall be made unless and until the presiding Judge is satisfied that the person asking for payment has been duly authorized by the person to whom it is due and payable by an instrument in writing to receive the money.

Note—The Governor General in Council has been pleased to remit the Court-fee chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of Schedule II to Act VII of 1870 on application for orders for repayment of deposits.

574A. Applications for repayment of sums of and less than Rs. 100 due to a Co-operative Society, registered under Act II of 1912, may be sent or presented to a Court with a request that the amount due, minus postal commission, be forwarded by postal money order payable to an official of the Society, authorized to receive payments on its behalf, at the registered address of the Society. Such applications must be signed by the said official.

The Court, if satisfied that the application is genuine and that the sum is due, shall send a Repayment Order to the Treasury Officer, who will issue a money order for the amount, less postal commission, payable to the said official at the registered address of the Society.

Lists of such authorized officials as are mentioned above, with specimens of their signatures, will be supplied to District Judges by the Registrar of Co-operative Societies.

Application for repayment to be compared with record of the case.

575. If the record has not been sent to the record room, the Munshim shall cause the application to be compared with the record of the case and a report shall be made in columns 5, 6, and 7 of the form of application and shall be signed by the Munshim. If the application is found to be incorrect or defective the error or defect shall be noted upon it and it shall be returned to the applicant for correction by him, or for reference by him to the Court.

When the record is in District or Subordinate Judge's office.

576. If the record of the case has been dispatched to the record room the Munshim shall forward the application to the Record Keeper, who shall compare it with the record in columns 5 to 7 inclusive, of the form.

When the record is in District or Subordinate Judge's office.

577. The Court to which the application is made shall then report as to the particulars required in column 8 of the form of application and shall sign the same. The Recording Officer, if he is making his report shall carefully ascertain whether or not the application is attached to or accompanied by the money.

(Payment of Money—Book-keeping and Returns.)

from its date, it shall be cancelled; and, on application, a fresh order shall be issued, a note of such issue being made upon the counterfoil of the original order.

594. Whenever a Repayment Order is cancelled the word "Cancelled" shall be written across its face in red ink, and initialled by the presiding Judge, and the order shall be at once forwarded to the Treasury Officer. At the same time the counterfoil shall be cancelled in a similar manner. Any spoilt form shall similarly be cancelled and sent to the Treasury Officer.

Cancelled orders.

595. When a Repayment Order is said to be lost, a fresh order may be issued on application; but before such issue, a certificate of non-payment of the original order shall be obtained by the Court from the Treasury.

Procedure on loss of a Repayment Order

596. When a repayment or transfer has been advised and entered as prescribed in paragraphs 566 and 567, the Receiving Officer shall endorse the fact of such advice upon the form of application, which shall then be filed with the record to which the repayment relates by the official in charge of the record if it has not been sent to the record room, and otherwise by the Record Keeper.

Application for repayments to be filed with case

597. Moneys paid by one party to another in Court but not through an officer of the Court shall not be entered in the Court's registers or accounts. When money is to be paid by one person to another and both are present in Court, the money may be passed direct from the one to the other under the sanction of the presiding Judge, who shall have a receipt (Form 20) executed in his presence, a copy of which shall be filed with the record of the case.* The price, when not personally known to the presiding Judge shall be identified by some one who is so known. Care must be taken in these cases that no officer of the Court receives or becomes in any way responsible for the money.

Exclusion from accounts of direct payments by one to another party

598. District Judges and outlying Subordinate Judges are directed to inspect every week the Repayment Order Books of the Courts at headquarters and to require an explanation in any case in which the order for repayment was passed more than two days after the date of application. In the majority of cases repayments should be made on the day of application. The outlying Subordinate Judge shall forward any explanation required by him under this paragraph to the District Judge.

Inspection of Repayment Order Books by District Judge and outlying Subordinate Judge.

Outlying Subordinate Judges and outlying Munsifs will forward on the first day of each month a statement of repayments showing the amount repaid, the date of payment, and the name of the debtor, to the District Judge, or to the Subordinate Judge, if there is no District Judge.

Statement of repayments to be forwarded by Munsifs and outlying Subordinate Judge.

599. The rules framed by the Government of India in respect of payments under the Land Acquisition Act, 1894, are given in paragraph 260 of this Digest.

Rules for repayment and returns under the Land Acquisition Act.

BOOK-KEEPING AND RETURNS.

600. Each entry in the Register of Receipts, the Register of Repayments of Deposits and the Register of Fines, Stamp Duties and Penalties

Initialing of registers by Munsifs and Judges.

* Note.—This procedure may conveniently be followed in cases when the parties are prepared to satisfy the claims of judgmental debt, and when some of the day are allowed by the Court.

(Payment of Money)

Book to the officer to whom he gives over charge. The latter shall give a receipt for it which shall be transmitted to the Treasury Officer.

Entries in the
Repayment Order

586. The forms in each Repayment Order Book shall be used in regular order, and care shall be taken to fill in the various particulars required.

The following entries in the Repayment Order shall not be filled in by the Court —

Head of service chargeable.

Voucher number.

List of payments

The following entries in the Repayment Order which shall be made by the Munsarim can be filled in from the original tender filed with the record of the deposit —

Original number

Name of depositor

Date of deposit

Amount of deposit

Specimen of sig-
nature

587. A specimen of the signature of the drawing officer shall be sent to the Treasury.

Payments to
officials

588. Payments to officials for, or on behalf of the original payees are strictly forbidden except in the case of repayment to officers of a Civil Court of deposits made for the purchase of stamps, or for translation and copying fees, etc.

Custody of Re-
payment Order
Books

589. Great care must be taken of the Repayment Order Books the presiding Judge of the Court keeping the book in his own custody, giving out the book in use each morning, and receiving it back in the evening, when he will be bound to satisfy himself that no forms have been removed beyond those required for repayments duly ordered.

Counterfoils to be
preserved for 12
years

590. The counterfoils of the forms of Repayment Orders issued by Civil Courts shall be preserved for 12 years, after which they will be destroyed.

Delivery of Re-
payment Order to
applicant

591. The Repayment Order when prepared shall be made over to the applicant for presentation at the Treasury, the number and date of the order being entered in column 10 of the form of application, and a receipt for the order being taken from the applicant upon the back of the form of application, and upon the counterfoil of the order.

When the entry has been made in column 10 of the form of application and the applicant's receipt has been taken the Munsarim shall cause an entry to be made in the remarks column of the Register of Receipts of Deposits (Form 15) against the item or items in respect of which the Repayment Order has been issued. Such entry shall show the number and amount of the Repayment Order, the date of issue and the name of the person to whom the Repayment Order has been made payable.

Lapse of Repay-
ment Order

592. Should the Repayment Order not be presented within one month from its date, encashment of it shall be refused, and a fresh application, accompanied by a return of the order, will be required.

When a fresh
Repayment Order
may be issued

593. On receipt of such an application the original Repayment Order shall be cancelled, and a fresh order shall then be issued, a note of such issue being made upon the counterfoil of the original order. Similarly, if a Repayment Order, when prepared, is not issued within one month

(Payment of Money—Book Keeping and Returns)

from its date, it shall be cancelled, and, on application, a fresh order shall be issued, a note of such issue being made upon the counterfoil of the original order.

594. Whenever a Repayment Order is cancelled the word "Cancelled" shall be written across its face in red ink, and initialed by the presiding Judge, and the order shall be at once forwarded to the Treasury Officer. At the same time the counterfoil shall be cancelled in a similar manner. Any spoilt form shall similarly be cancelled and sent to the Treasury Officer.

Cancelled orders.

595. When a Repayment Order is said to be lost, a fresh order may be issued on application, but before such issue, a certificate of non-payment of the original order shall be obtained by the Court from the Treasury

Procedure on loss of a Repayment Order

596. When a repayment or transfer has been advised and entered Officer shall endorse which shall then be tes by the official in

Application for repayments to be filed with case

charge of the record if it has not been sent to the record room, and otherwise by the Record Keeper.

597. Moneys paid by one party to another in Court but not through an officer of the Court shall not be entered in the Court's registers or accounts. When money is to be paid by one person to another and both are present in Court, the money may be passed direct from the one to the other under the sanction of the presiding Judge, who shall have a receipt (Form 26) executed in his presence, a copy of which shall be filed with the record of the case. The payee, when not personally known to the presiding Judge shall be identified by some one who is so known. Care must be taken in these cases that no officer of the Court receives or becomes in any way responsible for the money.

Exclusion from accounts of direct payments by one to another party

598. District Judges and outlying Subordinate Judges are directed to inspect every week the Repayment Order Books of the Courts at headquarters and to require an explanation, in any case in which the order for the date of application. In on the day of application explanation required by

Inspection of Repayment Order Books by District Judge and outlying Subordinate Judge

him under this paragraph to the District Judge

Outlying Subordinate Judges and outlying Munisifs will forward in an outlying district the lists shall be forwarded through the outlying Subordinate Judge

Rules for payment and refunds under the Land Acquisition Act.

599. The rules framed by the Government of India in respect of payments under the Land Acquisition Act, 1894, are given in paragraph 260 of this Digest.

BOOK-KEEPING AND RETURNS

600. Each entry in the Register of Receipts, the Register of Repayments of Deposits and the Register of Fines, Stamp Duties and Penalties

Initialed by registers by Munisifs and Judge.

* Note—This procedure may conveniently be followed in cases when judgment debtors are prepared to satisfy the claims of judgment-creditors, and when costs of the day are allowed by the Court.

(Book-keeping and Returns)

realized kept in Forms 15, 16 and 17 shall be initialled by the Munsarim and the presiding Judge of the Court ordering receipt or repayment. The daily totals also in such registers will, in the case of outlying Munsifs be signed by the Munsif and his Munsarim and, in the case of Courts at the headquarters of a district, by the District Judge or outlying Subordinate Judge and his Munsarim.

Each entry in the Register of Petty Receipts and Repayments and Register of Fixed Postal Fees shall be initialled by the Munsarim, and the daily totals shall be initialled by the presiding Judge.

Where the entries for several Courts are kept in one register, they shall be grouped for each Court separately, the groups being divided by lines drawn in red ink.

Cash Book

601. The daily totals of all the registers shall at the close of the day be posted in the Cash Book (Form 18). Column 4 shall show the cash receipts of the Receiving Officer, and column 8 shall show his remittances to the Treasury by means of the Pass Book. Columns 5 and 9 shall be confined to transactions at the Treasury.

The Cash Book kept by the Central Nazir shall contain all items including deposits received and disbursed by the Courts, for which he is Receiving Officer.

In the last column of the Cash Book shall be shown each day the total cash balance for all Courts in the hands of the Receiving Officer in order that the Judge may have in a single view a statement* of all the money in the Receiving Officer's possession. The same procedure shall be followed as far as applicable, in the case of the Court of Small Causes, City Lucknow.

Excessive balances
in Receiving Officer's
hands

602. When the aggregate cash balance in the hands of the Receiving Officer exceeds one-half the amount for which he has given security, and is not capable of immediate reduction, the excess shall be remitted to the Treasury as a miscellaneous deposit, being so entered in the Pass Book. The several items making up this remittance shall be entered separately in the Register of Receipts of Deposits, and shall be repaid in the manner prescribed for repayments of deposits.

Original vouchers
to be produced be-
fore the Judge

603. In laying the registers before the presiding Judge of each Court, to be initialled as prescribed in paragraph 600 the Receiving Officer shall produce the original orders as vouchers to enable the Judge to satisfy himself of the correctness of each entry.

All registers shall be compared with the Cash Book and signed by the presiding Judge daily. At the time of signing the registers he shall see—

- (1) that the daily totals of all registers have been properly carried to the Cash Book.
- (2) that the entries in the Registers of Receipts and Repayments of Deposits are supported by the Treasury Advice Lists.

* Note.—This statement may be as follows.—

					Rs.
Cash balance of Cash Book
Ditto Day Book
Other items, if any, with explanation	—
Total cash in Receiving Officer's possession	—

(Book-keeping and Returns.)

- (3) that the items in the Register of Repayments of Deposits have been properly written off in the Register of Receipts of Deposits,
- (4) that the repayment from any deposit does not exceed the available balance, and
- (5) that when deposits have lapsed to Government, they have been properly written off in the Register of Receipts of Deposits, and the aggregate of them has been debited in column 3 (Treasury) of the Cash Book

604. At the beginning of every month each Court having a separate Receiving Officer shall forward to the Treasury Officer a memorandum (Form 27) of the grand totals of receipts and repayments during the previous month under each head specified in the form. The Treasury Officer shall check the totals with his accounts, and, if he find them correct, he shall certify on the memorandum to that effect. If there be any discrepancy he shall note the same upon the memorandum. The Treasury Officer shall in either case return the memorandum to the Court from which it was received. Any discrepancy which may exist must be reconciled.

Memorandum of receipts and repayments

605. Every outlying Munsif as soon as his monthly memorandum has been certified and signed by the Treasury Officer shall forward to the District Judge or, if his Court be situated in an outlying district, to the outlying Subordinate Judge —

Monthly accounts to be submitted by outlying Munsifs

- (1) the monthly memorandum signed by the Treasury Officer,
- (2) a monthly extract from the Register of Receipts of Deposits in Form 28, beginning with the items of subsequent date mentioned in paragraph 570 and including all items for the month which under the same paragraph will be incorporated in the accounts of the district Treasury,
- (3) a monthly extract from the Register of Repayments of Deposits in Form 29 similarly prepared,
- (4) a plus and minus memorandum for the month in Form 30

At the foot of the monthly extracts the outlying Munsif shall record and sign a certificate in the following terms "I certify that I have personally carefully examined the Register of ^{Receipts} _{Repayments} of Deposits and that the entries are made therein with care and regularity

These four monthly returns should reach the District Judge, or the outlying Subordinate Judge, not later than the 7th of the month following that to which they refer.

606. As soon as the District Judge, or the outlying Subordinate Judge has received the returns from the outlying Munsifs, he shall

Consolidated monthly returns

the Registers of Receipts and plus and minus memorandum to be prepared in duplicate showing details for each Court separately. Both the copies shall be forwarded to the Treasury Officer for verification and countersignature, after their return one copy shall be pasted in a file book to be kept for the purpose

(Book keeping and Returns)

The presiding Judge of the Court of Small Causes, City Lucknow shall similarly forward to the Treasury Officer for verification and signature a plus and minus memorandum in duplicate for his Court, after their return one copy shall be pasted in a file book to be kept for the purpose

Consolidated
monthly returns

607. The District Judge or the outlying Subordinate Judge shall then forward to the Accountant General monthly extracts in Forms nos 30 and 32 of the Civil Account Code, and the other copy of the plus and minus memorandum so verified. These returns should reach the office of the Accountant General by the 15th of the month succeeding that to which the (the latter) the outlying Subordinate Judge would report to the office of the Judicial the 15th of the month the reason for any delay that occurs

Form of plus and
minus Memorandum

608. The plus and minus memorandum should be submitted in Form 30

As the closing balance should always equal the aggregate of repayable deposit balances upon the Deposit Registers, it has to be reduced in the memorandum for March submitted in April, by the amount marked off as lapsed in the Register of Receipts under paragraph 616

Quarterly certificate

609. At the end of every quarter a certificate in the following terms shall be recorded upon the Deposit Registers, and signed by the presiding Judge of every Court having a separate Receiving Officer —

"I certify that I have personally carefully examined the Register of ^{Recepts} ~~Repayments~~ of Deposits, and that the entries are made therein with the utmost care and regularity

The objects of the examination are to see—

- (1) that all necessary entries are made and initialled at the time of the transaction, and
- (2) that no money is unnecessarily placed in deposit or remains there without good cause

A certificate in the same terms shall be recorded on the extracts from the Registers of Receipts and Repayments of Deposits for the last month of each quarter

Unclaimed balances

610. Once in every quarter the presiding Judge shall check the Register of Petty Receipts and Repayments of Petty Items and shall cause unclaimed balances, which it is no longer necessary to retain in the Court, to be remitted to the Treasury as miscellaneous deposits. Each rem so remitted shall be treated as a separate deposit, and, if not claimed, shall lapse to Government

The result of the quarterly check by the presiding Judge under this paragraph shall be reported for the information and orders of the District Judge

Checking of cash balance

611. Once in every week the Munshim of the District Judge or of the outlying Subordinate Judge, and the Munshim of every Court having a separate Receiving Officer shall examine the cash balance in the hands of the

(Book-keeping and Returns—Lapsed sums and Forfeitures.)

Receiving Officer and shall certify the results of such examination in the Cash Book in the following terms—

"I certify that I have personally examined the registers kept by the Nazir, and counted the cash balance in his hands and have found it to be correct."

An outlying Munsif, an outlying Subordinate Judge and the Judge of the Court of Small Causes, City Lucknow, shall report to the District Judge on or before the 7th day of each month that he has satisfied himself that the cash balance in the hands of the Receiving Officer is correct. These certificates shall be pasted in a file book to be kept for the purpose.

612. On or about the 1st of April of each year every outlying subordinate Court shall submit the Clearance Register, prepared in accordance with the instructions contained in article 253 of the Civil Account Code, to the District Judge or to the outlying Subordinate Judge who shall cause to be prepared in his own office a General Clearance Register of the outstanding balances of deposits in such Courts and in his own Court.

Clearance Registers.

613. The Clearance Register should contain only the outstanding balances in the Receipt Register of the second preceding year, e.g., in the Clearance Register for 1903-04 only should be recorded the balance of 1901-02 which will not be recorded in the Clearance Register for 1905. A memorandum in the subjoined form should also be recorded on the last page of the Clearance Register or submitted on a separate paper.

Ditto.

Memorandum.

Total amount of outstanding balances on 1st April 1905.

						Rs.
For 1902-03	
" 1903-04	
" 1904-05	
Total						..

When the statement is complete it shall be submitted to the Accountant General.

614. Similarly the presiding Judge of the Court of Small Causes, City Lucknow, shall cause a Clearance Register to be prepared for his own Court and checked and submitted to the Accountant General.

Ditto.

LAPSED SUMS AND FORFEITURES.

615. Early in March of each year the Registers of Receipts and Repayments of Deposits shall be carefully examined by the Munsarim and Receiving Officer of each Court, and a list shall be prepared of—

List of deposits about to lapse.

- (1) (a) all deposits not exceeding one rupee which have remained in deposit from a date prior to the 1st April of the preceding year, and (b) all balances not exceeding one rupee of all existing deposits which have been partially repaid,
- (2) all deposits and balances which at the date of the preparation of the list had remained in deposit from a date two years prior to the 1st April of the preceding year.

(Lapsed sums and Forfeitures)

The list shall be placed on a notice board in a conspicuous part of the Court-house, with a notice to the effect that the items mentioned therein will lapse to Government if not withdrawn before the 1st April then following

Preparation of list of lapsed sums

616. On the 1st April or the 1st working day thereafter the items repaid in the course of the preceding month shall be struck out of the list and the remaining items shall be marked off in red ink along columns 13 to 25 of the Register of Receipts of Deposits (Form 15), as having been credited to Government as lapsed, thus "Lapsed on the 31st March 19", and the amount so repaid should be entered in column 26. These items shall not be entered in the Register of Repayments of Deposits but the aggregate of them shall be debited in the Cash Book in column 'Treasury' and be deducted in the plus and minus memorandum from the closing balance of March

Information of lapsed sums to Treasury Officer

617. The list shall forthwith be submitted to the District Judge or

it may be credited to Government by transfer entries in the Account office. A copy of the list shall be forwarded to the Accountant General

Ditto

618. Similarly the presiding Judge of the Court of Small Causes aforesaid shall cause the list for his Court to be checked and the total amount of the items to lapse intimated to the Treasury Officer and a copy of the list to be sent to the Accountant General

Refund of lapsed sums

619. Deposits thus credited to Government cannot be repaid without the sanction of the Accountant General, which will be given on its being ascertained that the items of which refund is claimed were really received and carried to credit as lapsed, and are now claimed by the person or persons who might have drawn them at any time before the lapse. The amount of a lapsed deposit refunded will be charged as a refund and not debited to deposit. But the application for refund and the repayment of deposit shall be recorded in the column of remarks in the Register of Receipts of Deposits and on the office copy of the list of Lapsed Deposits, so as to guard against a second repayment

Form of application for refund

620. Every application for refund of a lapsed deposit shall be in Form 32B of the Civil Account Code, and shall be made in the manner required by article 256A of the Civil Account Code. Application by subordinate Courts for refund of lapsed deposits must be forwarded to the Accountant General through the District Judge, except in the case of the Court of Small Causes, City Lucknow, the presiding Judge of which shall forward direct such applications as relate to lapsed deposits in his Court

Forfeitures

621. The following rules prescribe the procedure in case of forfeitures under O XXI, r 86 of the First Schedule of Act V of 1908 —

(1) In the case of a sale conducted by an officer of the Court or by any other person (not being a Deputy Commissioner) appointed by the Court if through default being made in the payment of purchase money within the time specified in O XXI, r 86 of the First Schedule of Act V of 1908, the earnest money deposited, shall be forfeited

(Lapsed sums and Forfeitures)

The list shall be placed on a notice board in a conspicuous part of the Court house, with a notice to the effect that the items mentioned therein will lapse to Government if not withdrawn before the 1st April then following

Preparation of
list of lapsed sums

616. On the 1st April or the 1st working day thereafter the items repaid in the course of the preceding month shall be struck out of the list, and the remaining items shall be marked off in red ink along columns 13 to 25 of the Register of Receipts of Deposits (Form 15), as having been credited to Government as lapsed, thus "Lapsed on the 31st March 19..."; and the amount so lapsed should be entered in column 26. These items shall not be entered in the Register of Repayments of Deposits but the aggregate of them shall be debited in the Cash Book in column "Treasury" and be deducted in the plus and minus memorandum from the closing balance of March

Information of
lapsed sums to Treas-
ury Officer

617. The list shall forthwith be submitted to the District Judge or by the subordinate Courts other than the now, and the District Judge or the outlying having the discrepancies reconciled, advise the total amount of the items to lapse to the Treasury Officer, in order that it may be credited to Government by transfer entries in the Account office. A copy of the list shall be forwarded to the Accountant General

Ditto

618. Similarly the presiding Judge of the Court of Small Causes aforesaid shall cause the list for his Court to be checked and the total amount of the items to lapse intimated to the Treasury Officer and a copy of the list to be sent to the Accountant General

Refund of lapsed
sums

619. Deposits thus credited to Government cannot be repaid without the sanction of the Accountant General, which will be given on its being ascertained that the items of which refund is claimed were really received and carried to credit as lapsed, and are now claimed by the person or persons who might have drawn them at any time before the lapse. The amount of a lapsed deposit refunded will be charged as a refund and not debited to deposit. But the application for refund and the repayment of deposit shall be recorded in the column of remarks in the Register of Receipts of Deposits and on the office copy of the list of Lapsed Deposits, so as to guard against a second repayment

Form of applica-
tion for refund

620. Every application for refund of a lapsed deposit shall be in Form 32B of the Civil Account Code, and shall be made in the manner required by article 256A of the Civil Account Code. Application by subordinate Courts for refund of lapsed deposits must be forwarded to the Accountant General through the District Judge, except in the case of the Court of Small Causes City Lucknow the presiding Judge of which shall forward direct such applications as relate to lapsed deposits in his Court

Forfeitures

621. The following rules prescribe the procedure in case of forfeitures under O XXI, r 86 of the First Schedule of Act V of 1908 —

(1) In the case of a sale conducted by an officer of the Court or by any other person (not being a Deputy Commissioner) appointed by the Court, if through default being made in the payment of purchase money within the time specified in O XXI, r 85 of the First Schedule of Act V of 1908, the earnest money deposited under rule 84 be forfeited

(Lapsed sums and Forfeitures—Departmental Cash Accounts)

under rule 86,—(a) the Court shall issue a Repayment Order for credit by transfer to the Sale Commission Fund of the sum payable by way of poundage in accordance with paragraph 211 of this Digest. As to the remainder of the earnest money the Court shall (b) send a prothonotary to the Treasury Officer and date the order, and (c) mark off the item in red ink along columns 13 to 25 of the Register of Receipts of Deposits (Form 15) thus:—“Forfeited under O. XXI, r 86 of the First Schedule of Act V of 1908 the day of 19 ” and enter it in column 26 of that register, and (d) debit the item in the Cash Book in column “Treasury” on the day on which transfer is advised by the Treasury Officer.

(2) In the case of a sale conducted by a Deputy Commissioner, if through default being made in the payment of the purchase money within the time specified in O. XXI, r 85, of the First Schedule of Act V of 1908, the earnest money deposited under rule 84 be forfeited under rule 86, the Court will, on report of the fact of the non-payment of the purchase money by the purchaser, the Commissioner declaring the earnest money forfeited, and the expenses of the sale at the instance of the Government, issue an order in the following terms:—“(a) I do hereby order the amount so forfeited to be paid to the Government under head “Law and Justice—general fees, fines and forfeitures—earnest money forfeited (civil)” ; and (b) enter and mark off the item in the Register of Receipts of Deposits and debit in the Cash Book in the manner prescribed in the first section of this paragraph.

(3) In respect of no item credited to Government under this paragraph shall a Repayment Order be issued but every such item shall be entered in the Register of Repayments of Deposits (the words “Credited to Government” being written against the item along columns 7 and 8 of that register) and shall thus be included in the total repayments which are deducted from the total balance shown in column 4 of the plus and minus memorandum at the end of the month.

DEPARTMENTAL CASH ACCOUNTS

622. The following paragraphs up to and including paragraph 638 relate to the Departmental Cash Accounts kept by Civil Courts. The heads of accounts thus kept by Civil Courts in their administrative capacity include—

Departmental Cash Accounts—

- (1) Salaries of establishment
- (2) Travelling allowances of establishment,
- (3) Fixed stationery allowance.
- (4) Contingencies.
- (5) Miscellaneous, such as—
 - (a) sale proceeds of forms,
 - (b) sale proceeds of waste paper,

(Departmental Cash Accounts.)

(c) sale proceeds of old furniture, disused belts and badges, and the like; and of fruit and grass in Court compounds;

(d) sale proceeds of stationery boxes, &c., &c.

Departmental
Cash Accounts—to
be kept by Central
Nazirs and Nazims.

623. The accounts for the Courts at the headquarters of a district shall be kept by the Central Nazir. The accounts for an outlying subordinate Court shall be kept by the Nazir of such Court under the supervision of the presiding Judge.

All moneys to be
entered in accounts.

624. All moneys received and paid by, or through any officer or official in his official capacity as an officer or official of a Civil Court shall, without any reservation, be entered in the public accounts.

Unauthorized
funds disallowed.

625. No unauthorized funds, as, for instance, from fines or from deductions made from the pay of establishments or from any other source, shall be maintained.

Civil Account
Code.

626. The orders contained in the Civil Account Code regarding salary and travelling allowances, and the instructions of the Government regarding the treatment of contingent expenditure, shall be strictly observed.

Fixed stationery
allowances.

627. Fixed stationery allowances shall not be made over on a contract system or otherwise to Nazirs, *dastars* or others. The expenditure shall be under the direction and control of the presiding Judge of each Court. The system of fixed allowances in no way relieves the disbursing officer from maintaining a regular account of the expenditure he incurs, though it is not necessary, under that system for him to render accounts to the Account office. Expected savings may be utilized during the current financial year in the purchase of furniture. If possible unexpended balances should be refunded by deduction from the last contingent bill at the close of each financial year. If this is impossible such balances should be refunded in cash before the close of the year.

Stationery and
miscellaneous expenses
of subordinate
Courts.

628. Stationery and miscellaneous expenses of subordinate Courts shall be defrayed from the fixed stationery allowances, with the exception of the contingent charges falling under the following heads, which will be charged in the contingent bill—

- (1) Service postage and telegram charges;
- (2) Purchase of books,
- (3) Office rent;
- (4) Belts and badges of process servers;
- (5) Hot weather charges,
- (6) Clothing of peons,
- (7) Carriage of records and forms;
- (8) Purchase and repair of furniture;
- (9) Cloth for *bastaks*,
- (10) Record room contingencies;
- (11) Rates and taxes, and
- (12) Miscellaneous contingent charges.

(Departmental Cash Accounts)

629. The District Judge or outlying Subordinate Judge shall arrange that cash and articles of value received by the Central Nazir and required by law, rule, or order of the Court to be retained by him are kept in a substantial box, and that this box is duly deposited in the strong-room of the District Treasury as required by Government Resolution no 1856/A—226, dated the 7th April 1893

Custody of cash and articles of value

In this connection attention is invited to Government letter no 124/X—60, dated the 14th January 1911, to the Secretary of the Board of Revenue, United Provinces, wherein it is directed that Nazirs of Civil to the Treasury strong-room by the Treasury Officer

Cash and articles of value received by a Subordinate Court at headquarters shall be forwarded for deposit to the Central Nazir

630. Moneys and articles received at a time when the box has been deposited or by a Court at a distance from the Treasury shall be kept in the safe provided in the Court house of the Judge, or if there be no safe, in the *malikana*.

Ditto

631. The presiding Judge of an outlying Court, situated near a tahsil, shall see that his Nazir, on the closing of the Court each day, makes over his cash box for safe custody to the Tahsil Sub-Treasury

Ditto

The District Judge, when inspecting an outlying Court shall see that good locks, and giving effect to inconvenient

Note—The following is an extract from rule 15 of the Circular of the Board of Revenue no 31—X, (volume II) —

632. The following registers shall be kept by the Receiving Officer of each Court —

Registers

- (1) An Acquittance Roll Book in the form prescribed in Accountant General's circular letter no T M /II, dated the 16th November 1904
- (2) A Day Book (Form 31) with vertical columns for the following heads of account —
 - (a) Salary of fixed establishment
 - (b) Salary of process servers
 - (c) Travelling allowance of establishment
 - (d) Fixed stationery allowance and contingencies.
 - (e) Miscellaneous
- (3) A Stationery Register (Form 32) to show the expenditure of the fixed stationery allowance
- (4) A Register of Contingent Charges in the form prescribed by the Accountant General.

(Departmental Cash Accounts)

Explanation—Where there is a single Receiving Officer for several Courts, a single set of consolidated Registers shall be kept by him for all such several Courts

Travelling allowance bills

633. Travelling allowance bills of establishment shall be copied into a book a column being added wherein to take the receipt of each payee, with date of payment

Instructions for entry in the Day Book

634. Entries in columns 3 to 8 on the receipt side of the Day Book shall be made when the bills on which the sums are drawn are cashed at the Treasury and entries in column 9 shall be made when cash is received

When a portion of a salary or travelling allowance bill drawn by the District Judge is remitted to a subordinate Court the amount of that portion need not be included in the entry in columns 3 4 5 or 6 of the District Judge's Day Book But when fixed stationery allowances or contingent charges drawn by the District Judge are so remitted the amount must be included in the entry in column 8 of that Day Book, the reason being that these sums are entered in the District Judge's Register of Contingent Charges from which they will pass into the corresponding column (17) of the disbursement side of his Day Book

Ditto

635. Entries in columns 12 to 14 of the disbursement side of the Day Book shall be made daily from the Acquittance Rolls, and in column 15 from the office copy of the travelling allowance bill book, reference being given to the several items paid on the day for which entry is made but the daily total only being entered The entry in column 16 shall be the daily total shown by the Stationery Register The entry in column 17 shall be—

(1) the daily total of entries in the Register of Contingent Charges in the case of outlying subordinate Courts,

(2) the daily total of entries in the Register of Contingent Charges for all Courts at headquarters The entries in column 18 shall be the miscellaneous receipts remitted to the Treasury, a sufficient account of the occasional sums received under this head shall be entered in this column to avoid the necessity for a separate register

Grouping of entries in the registers of Central Nazirs

636. Entries in the books and registers of Central Nazirs except the Register of Contingent Charges shall be grouped for each Court separately, the entries for the several Courts being distinguished by lines drawn in red ink

Contingent charges of subordinate Courts at the headquarters of a district shall be treated as contingent charges of the Court of the District Judge or outlying Subordinate Judge

Initialling by Judge and Munshis

637. The Day Book shall be laid before the presiding Judge of each Court having a separate Receiving Officer day in order that he may examine and initial other books and registers shall be initialled

Register of Contingent Charges

638. The Register of Contingent Charges shall be maintained in the manner prescribed in the Civil Account Code entries in it being made daily from this register as kept by the Receiving Officer of each Court, shall be prepared the abstract contingent bill and the detailed monthly contingent bill if necessary as prescribed in the Civil Account Code The presiding officer shall sign the register whenever he passes either an abstract or a detailed bill

CHAPTER XV.
Miscellaneous.
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RULES NOT CONTAINED IN THE DIGEST.

639. The presiding Judges of Civil Courts are referred for guidance in dealing with the undermentioned matters to the instructions contained in the Manual of Orders of the Government, United Provinces.—

Manual of Orders
of Government,
United Provinces
Instructions con-
tained in—

- (1) The entertainment of subordinate officials who have quitted or been dismissed from other departments (note I, para 369, page 78, Department III)
- (2) The giving of certificates (para 354, page 75, Department III).
- (3) The maintenance of character rolls (para 355, *et seq.*, page 76, Department III).
- (4) The educational test and other conditions regulating appointments to which a salary of Rs 10 and upwards is attached (para. 332, *et seq.*, pages 72 and 73, Department III).
- (5) The punishment of subordinate officials (para 368, *et seq.*, pages 77—80, Department III)
- (6) Relationship amongst native Government officials (para. 344, *et seq.*, pages 73—74, Department III)
- (7) The conduct of Government servants (paras 301—331, pages 63—71, Department III)
- (8) —————
- (9) .
- (10)
- (11) Proposals for changes in establishment (para 1362, *et seq.*, page 52, Department X)
- (12) Vaccination of candidates for Government employment (note 2, para 1337, page 26, Department X).
- (13) Declaration and registering of landed property held by public officers (paras 312 and 329, pages 66 and 70, Department III)

640. For rules as to general stamps reference should be made to the Stamp General in 29th June

General stamps.

*Note.—With reference to the words "subject to the provisions of any law" used in para. 376 on page 79 of the Manual of Government Orders, attention is drawn to sections 33 and 34 of Act XIII of 1879 (the Oudh Civil Courts Act)

(Departmental Cash Accounts)

Explanation—Where there is a single Receiving Officer for several Courts, a single set of consolidated Registers shall be kept by him for all such several Courts

Travelling allowance bills.

633. Travelling allowance bills of establishment shall be copied into a book, a column being added wherein to take the receipt of each payee, with date of payment

Instructions for entry in the Day Book

634. Entries in columns 3 to 8 on the receipt side of the Day Book shall be made when the bills on which the sums are drawn are cashed at the Treasury, and entries in column 9 shall be made when cash is received

When a portion of a salary or travelling allowance bill drawn by the District Judge is remitted to a subordinate Court the amount of that portion need not be included in the entry in columns 3, 4, 5 or 6 of the District Judge's Day Book. But when fixed stationery allowances or contingent charges drawn by the District Judge are so remitted the amount must be included in the entry in column 8 of that Day Book, the reason being that these sums are entered in the District Judge's Register of Contingent Charges from which they will pass into the corresponding column (17) of the disbursement side of his Day Book

Ditto

635. Entries in columns 12 to 14 of the disbursement side of the Day Book shall be made daily from the Acquittance Rolls, and in column 15 from the office copy of the travelling allowance bill book, reference being given to the several items paid on the day for which entry is made but the daily total only being entered. The entry in column 16 shall be the daily total shown by the Stationery Register. The entry in column 17 shall be—

(1) the daily total of entries in the Register of Contingent Charges in the case of outlying subordinate Courts,

(2) the daily total of entries in the Register of Contingent Charges for all Courts at headquarters. The entries in column 18 shall be the miscellaneous receipts remitted to the Treasury, a sufficient account of the occasional sums received under this head shall be entered in this column to avoid the necessity for a separate register

Grouping of entries in the registers of Central Nazirs

636. Entries in the books and registers of Central Nazirs except the Register of Contingent Charges shall be grouped for each Court separately, the entries for the several Courts being distinguished by lines drawn in red ink

Contingent charges of subordinate Courts at the headquarters of a district shall be treated as contingent charges of the Court of the District Judge or outlying Subordinate Judge

Initialing by Judge and Munsarum.

637. The Day Book shall be laid before the presiding Judge of each Court having a separate Receiving Officer at the beginning of each working day, in order that he may examine and initial the entries. The entries in other books and registers shall be initialled by the Munsarum of each Court

Register of Contingent Charges

638. The Register of Contingent Charges shall be maintained in the manner prescribed in the Civil Account Code, entries in it being made daily. From this register as kept by the Receiving Officer of each Court, shall be prepared the abstract contingent bill, and the detailed monthly contingent bill if necessary as prescribed in the Civil Account Code. The presiding officer shall sign the register whenever he passes either an abstract or a detailed bill

CHAPTER XV.

Miscellaneous.

CONTENTS OF CHAPTER

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RULES NOT CONTAINED IN THE DIGEST.

639. The presiding Judges of Civil Courts are referred for guidance in dealing with the undermentioned matters to the instructions contained in the Manual of Orders of the Government, United Provinces —

Manual of Orders
of Government,
United Provinces
Instructions con-
tained in—

- (1) The entertainment of subordinate officials who have quitted or been dismissed from other departments (note 1, para 369, page 78, Department III)
- (2) The giving of certificates (para 354 page 75, Department III).
- (3) The maintenance of character rolls (para 355, *et seq*, page 76, Department III).
- (4) The educational test and other conditions regulating appointments to which a salary of Rs 10 and upwards is attached (para 332, *et seq*, pages 72 and 73, Department III).
- (5) The punishment of subordinate officials (para 368, *et seq*, pages 77—80,* Department III)
- (6) Relationship amongst native Government officials (para. 344, *et seq*, pages 73 74, Department III)
- (7) The conduct of Government servants (paras 301—331, pages 63—71, Department III)
- (8) (para 350 page 74 Department III)
- (9)
- (10) (para 346, *et seq*, page 74, Department III)
- (11) Proposals for changes in establishment (para 1362, *et seq*, page 32, Department X)
- (12) Vaccination of candidates for Government employment (note 2, para 1337, page 26, Department X)
- (13) Declaration and registering of landed property held by public officers (paras 312 and 329, pages 66 and 70 Department III)

640. For rules as to general stamps reference should be made to the rules made thereunder by the Governor by Notification no 3632 Exc, dated the part I of the Gazette of India, 1906

General stamps.

*Note —With reference to the words "subject to the provisions of any law" used in para 376 on page 79 of the Manual of Government Orders attention is drawn to sections 33 and 34 of Act XIII of 1879 (the Oudh Civil Courts Act)

MUNSARIM, CLERKS AND APPRENTICES

The Munsarim.

641. In every Civil Court the chief ministerial officer shall be the Munsarim and no one should be appointed Munsarim unless he is acquainted with English.

Duties of Munsarim.

642. The duties of the Munsarim include—

- (1) the duties assigned by Act V of 1908 to the chief ministerial officer of a Court, *e.g.*, under O VII, r 9,
- (2) the duties for the performance of which he may be appointed by the Court under the provisions of Act V of 1908 if he be appointed in such behalf, *e.g.*, under O. IV, r. 1, O. V, r 1, O VII, r. 17, O. XVI, rr. 1 and 4, O. XXI, rr. 10 and 24 and O. XII, r. 3,
- (3) the duties assigned to him in the rules hereinbefore contained (see paras 11, 24, 86 and 170),
- (4) any other duties either generally or specifically assigned to him by the Court,
- (5) to see that such accounts and statements as are by any law or order required to be exhibited and filed, are exhibited and filed in due time and form, and to take the orders of the Court thereon,
- (5) to keep up such books and registers as he is expressly required to do by any rule of the Digest,
- (7) to arrange for the preparation and due submission of periodical returns and statements, to draft letters, and to carry out orders of the Judicial Commissioner as to issue of notices and transmission of records,
- (8) to arrange his office in distinct departments and under the orders of the Court or in cases of emergency otherwise than under such orders to assign to his subordinates the duties to be performed by each, and
- (9) generally to supervise the working of the office in all departments.

No duty, the performance of which is specifically imposed by the Legislature upon the Court itself, can be delegated to the Munsarim or any other officer.

Duties of subordinate clerks

643. The duties to be performed by the ministerial officers of a Court, other than a Munsarim, shall include—

- (1) any duty assigned to them by the presiding officer of the Court,
- (2) any duties assigned to them by the Munsarim (a) under the orders of his general powers of supervision, and
- (3) to report to the presiding officer through the Munsarim the existence of any such infectious disease on his person, or in his residence or in the immediate vicinity thereof, as may render his presence in the office dangerous or obnoxious to his fellow officers

Note—A copy of this rule and as complete a list as possible of the duties referred to in (1) and (2) (a) should be prepared for each officer and hung up by his desk or place of work.

(Munsarim, clerks and apprentices.)

644. (1) Presiding officers appointing, nominating, or recommending any candidate for a ministerial post, whether in their own or any other Court, are responsible that the person so appointed, nominated, or recommended is qualified to be appointed to such post with reference to the educational test and other conditions prescribed by Government and referred to in paragraph 639 (4).

Appointm^t of
clerks in subordinate
Courts

(2) Presiding officers when appointing ministerial officers under section 11 of Act XIII of 1879 shall consult the divisional list of the District Judge, roll of such officers, appointment shall be subject to the production of any medical certificate required by article 49 of the Civil Service Regulations or by the Government rule stated in paragraph 1337, page 26, department A of the Manual of Government Orders.

645. Subordinate Judges and Munsifs are prohibited from appointing their own connections to situations on their establishments. When any nomination to an appointment is submitted for the approval of the District Judge, it must be accompanied by a certificate that the nominee is not disqualified under this prohibition.

Subordinate
Judges and Munsifs
not to appoint their
own relatives to
office.

646. District Judges are cautioned against allowing ministerial officers to establish extensive cliques of the same family in one district.

Claves

647. All judicial officers shall report to the Judicial Commissioner, without delay, any casualty that may occur among gazetted judicial officers subordinate to them.

Casualties

648. Two unpaid apprentices may be entertained in the Court of

Apprentices.

649. "not in
who is
parent

Ditto.

650. Agents (to be appointed by the Government) to all
of the Court
candidates,
except those who have been discharged on reduction of establishment.

Ditto.

651. Each apprentice shall have his place and duty distinctly assigned to him in the office, and shall work under some recognized superior official, and he shall be liable to dismissal if he fails to attend at office punctually.

Ditto.

632. duty of which
nt is thereby
n of accounts

Ditta

and other similar duties.

653. A register of apprentices shall be kept up in English and Urdu, showing (1) date of entertainment; (2) work on which employed; (3) remarks (to be recorded annually) as to character and work.

Register of ap-
prentices

DRESS AND CONDUCT.

Dress of presiding
officers and legal
practitioners

654. The following distinctive costumes shall be worn by presiding officers of Civil Courts and by legal practitioners practising in such Courts —

By District and Sessions Judges a gown made after the pattern of a King's Counsel's gown of black silk or stuff, with bands.

By Judges of Small Cause Courts (except where such Judge is a Cantonment Magistrate) and Subordinate Judges who are not Barristers-at-Law a black alpaca gown made after the pattern of a Barrister's gown but without a pur-o, with bands.

By Munsifs who are not Barristers-at-Law a Subordinate Judge's gown without bands.

By Judges of Small Cause Courts (except where such Judge is a Cantonment Magistrate), Subordinate Judges and Munsifs who are Barristers at-Law a Barrister's gown and bands.

By Barristers at Law a Barrister's gown.

By advocates and pleaders a gown made similarly to the gown worn by vakils in the High Court, that is to say, like a King's Counsel's gown, but without sleeves.

If a vakil or pleader desires to wear a head dress of any kind he should wear a turban.

Dress of military
officers and soldiers
appearing in Court.

655. The following instructions for the dress of officers and soldiers appearing before a Civil Court have been approved by the Governor General in Council —

(1) An officer or soldier required to attend a Court in his official capacity should appear in uniform with sword or side-arms. Attendance in an official capacity includes attendance—

(a) as witness when evidence has to be given of matters which come under the cognizance of the officer or soldier in his military capacity,

(b) by an officer for the purpose of watching a case on behalf of a soldier or soldiers under his command.

(2) An officer or soldier required to attend a Court otherwise than in his official capacity may appear either in plain clothes or uniform.

(3) An officer or soldier shall not wear his sword or side arms if he appears in the character of an accused person, or under military arrest; or if the presiding officer of the Court thinks it necessary to require the surrender of his arms, in which case a statement of the reasons for making the order shall be recorded by the presiding officer and, if the military authorities so request, forwarded for the information of His Excellency the Commander-in-Chief.

(4) Fire-arms shall under no circumstances be taken into Court.

(5) A European officer will remove his head-dress while the Judge is present, except when he is on duty and arms with a party or escort into the Court.

First appearance
of plaintiff
or Munsif is
elected or appointed a member,
secretary, vice-chairman or
chairman of a municipal, sub-divisional or district board, he shall, before

656. When a Judge of a Court of Small Causes, Subordinate Judge or Munsif is elected or appointed a member, secretary, vice-chairman or chairman of a municipal, sub-divisional or district board, he shall, before

(Dress and Conduct—Control and Inspection)

accepting the office to which he has been elected or appointed, apply through the District Judge to the Judicial Commissioner for permission to accept such office.

657. No Judge or ministerial officer of a Civil Court shall accept the office of arbitrator in any civil action without the permission of the Government being first obtained. In any application for such permission the circumstances of the case and the names of the parties shall be stated and the special reasons which may have led the officer to entertain a request for his services as an arbitrator shall be specified.

No Judge or ministerial officer to accept office of arbitrator without permission of Government

658. When in any suit or miscellaneous judicial proceeding any public servant belongs of any circumstances in the case affecting personally the public servant mentioned

Suits affecting public servants

659. The employment by public officers of public servants in making purchases, or in any private matter in which the receipt or expenditure of money is concerned, is most strictly prohibited.

Employment of public servants in private business

This prohibition is not intended to preclude officers from employing public servants to procure for them conveyance or necessary supplies while they are travelling upon duty, though in all such transactions constant vigilance is needed to prevent cheating and extortion.

660. Every District Judge shall, so far as possible, check any departure by any subordinate judicial officer from the rules as to public officers contained in paras 301—331, pages 63—71 of Department III of the Manual of Orders of Government, United Provinces.

Obligations of public officers

661. A notice in English Urdu and Hindi in the annexed form prohibiting the practice of soliciting giving or receiving gratifications in connection with cases shall under the signature of the presiding Judge of each Court be hung up on a board conspicuously in every Court and judicial office room, and the Munsarim, or other chief ministerial official shall be held responsible that the notices are preserved and kept in their proper places.

Gratifications prohibited

Public notice

Any peon, process server, or other public servant employed in this Court who solicits or receives any gratification from or on behalf of any suitor or legal practitioner, will be summarily dismissed and may also be criminally prosecuted. And any person giving such gratification renders himself liable to be prosecuted under the Penal Code.

Station

Officer's signature

Dated

Court's designation

CONTROL AND INSPECTION

662. Under either section 23 of Act IX of 1857 or section 10 of Act XIII of 1879, the District Judge, subject to the superintendence of the Judicial Commissioner, has administrative control over all Civil Courts

District Judge's supervision

(Control and Inspection)

within the local limits of his jurisdiction His special attention when supervising work should be devoted to insisting on the observance of the following points —

- (1) That unnecessary adjournments are not made
- (2) That proceedings continue *de die in diem* when witnesses are present
- (3) That too much work is not fixed for any one day, thereby involving frequent adjournments from press of work.
- (4) That precedence be given in the day's work to those cases which have been frequently adjourned
- (5) That execution of decree cases are not neglected or needlessly prolonged
- (6) That the rules relating to the preparation of records and their division into files A, B, C and D are observed.

Inspection of Civil
Courts

663. subordinate annually every
every year, 1 than once in
tion should be submitted to the Judicial Commissioner, and the annexed each inspec-
list of subjects is furnished as a guide to the inspections, but is not intended
to be exhaustive The scrutiny should be close, and the report full upon all
points

Subjects and method for inspection

Subjects for in-
spection

1. The condition of the Court-house as to repairs and cleanliness
- 2 The arrangements for the Bench, suitors, office and records
- 3 The library, stores and moveable property in the custody of the Court
- 4 Employment of apprentices, or other persons not on the regular establishment
- 5 Examine three files of fair size, taken at random, of each kind of case, (i) original suit, (ii) miscellaneous and (iii) execution, and check all orders and other particulars with the entries made in the respective registers to see if they are correct If there are any errors omissions or delays, state who is at fault Specify the cases scrutinized in the report
- 6 Regular observance of the provisions of sub section (2), section 89, Act XVI of 1908
- 7 Check all the registers of the Nazir's office (see paragraphs 515 and 554) in the same manner by the records of cases, and in the report specify separately the registers and cases scrutinized
- 8 Delay in disposal of execution cases
- 9 Are pending files kept in proper order so as to be readily forthcoming?
- 10 Ascertain when records of decided cases are sent into the record room, and specify any instances of delay with causes of delay
- 11 The following orders on the subjects noted should be referred to in making the inspections, in view to ascertain whether they are being duly

(Control and Inspection.)

within the local limits of his jurisdiction. His special attention when supervising work should be devoted to insisting on the observance of the following points:—

- (1) That unnecessary adjournments are not made.
- (2) That proceedings continue *de die in diem* when witnesses are present.
- (3) That too much work is not fixed for any one day, thereby involving frequent adjournments from press of work.
- (4) That precedence be given in the day's work to those cases which have been frequently adjourned.
- (5) That execution of decrees are not neglected or needlessly prolonged.
- (6) That the rules relating to the preparation of records and their division into files A, B, C and D are observed.

Inspection of Civil Courts.

663. The Magistrate should inspect annually every subord every the results of each inspection sh issioner; and the annexed list of subjects is furnished as a guide to the inspections, but is not intended to be exhaustive. The scrutiny should be close, and the report full upon all points.

Subjects and method for inspection.

Subjects for inspection.

1. The condition of the Court-house as to repairs and cleanliness.
2. The arrangements for the Bench, suitors, office and records.
3. The library, stores and moveable property in the custody of the Court.
4. Employment of apprentices, or other persons not on the regular establishment.
5. Examine three files of fair size, taken at random, of each kind of case, (i) original suit, (ii) miscellaneous and (iii) execution; and check all orders and other particulars with the entries made in the respective registers to see if they are correct. If there are any errors, omissions or delays, state who is at fault. Specify the cases scrutinized in the report.
6. Regular observance of the provisions of sub-section (2), section 89, Act XVI of 1908.
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8. Delay in disposal of execution cases.
9. Are pending files kept in proper order so as to be readily forthcoming?
10. Ascertain when records of decided cases are sent into the record room, and specify any instances of delay, with causes of delay.
11. The following orders on the subjects noted should be referred to in making the inspections, in view to ascertain whether they are being duly

COMPARATIVE TABLE OF THE OUDH CIVIL DIGEST.

(New compared with Old)

New.	Old.	New	Old.	New.	Old.
1	—	57	146 to 148	111	—
2	—	58	148	112	—
3	—	59	149	113	178 (X)
4	—	60	—	114	179 and 182
5	358 a	61	149 A	115	—
6	—	62	—	116	—
7	87	63	—	117	183
8	353 B	64	148	118	—
9	170	65	—	119	—
10	170	66 {	71	120	185 and 186
11	422		72	121	—
12	7		73	122	187
13	8 A		75	123	183
14	—	67 {	71	124	22
15	159		75	125	—
16	267 (VII)		75	126	—
17	1		75	127	—
18	23, 4	70	—	128	191
19	—	71	4, 27, 28, 29, and 30	129	194
20	—	72	90 86	130	19
21	—	73	—	131	19
22	89	74	91 (I)	132	20
23	1 A	75	91 (II)	133	—
24	10 406 (I) to (3) and 407	76	91 (III)	134	—
25	—	77	91 (IV)	135	83
26	—	78	91 (V)	136	—
27	—	79	91 (VI)	137	—
28	32 51	80	91 (VII)	138	—
29	53	81	91 (VIII)	139	—
30	—	82	91 (IX)	140	—
31	58 (III)	83	91 (X)	141	—
32	55 (a)	84	91 (XI)	142	—
33	—	85	91 (XII)	143	—
34	58	86	92	144	—
35	51 (IV to VII)	87	90	145	—
36	37	88	—	146	—
37	56 (II)	89	93	147	—
38	—	90	94	148	—
39	—	91	—	149	—
40	34, 35 and 50	92	97, 98	150	—
41	50 43	93	99	151	—
42	49	94	—	152	—
43	—	95	99	153	—
44	—	96	—	154	191
45	40	97	101	155	192
46	41	98	100	156	193
47	47	99	165	157—I	178 (I) and 189
48	48	100	168	157—II	178 (II)
49	—	101	—	157—III	174
50	52	102	—	157—IV	178 (III)
51	—	103	—	157—V	178 (IV)
52	52	104	—	157—VI	173 (V)
53	42 and 50	105	—	157—VII	173 (IV)
54	42	106	23	157—VIII	173 (VI)
55	44	107	177, 265 (VII)	157—IX	178 (VII)
56	144	108	176	157—X	178 (VIII)
		109	24	157—XI	178 (IX)
		110	—	157—XII	178 (X)

ii *Comparative table of the Oudh Civil Digest—(continued).*
(New compared with Old)

New.	Old	New.	Old.	New.	Old
158	76	215	128	267—II	287 [2,3,4]
159	77,81	216	129	267—III	—
160	80	217	135,136	267—IV	—
161	—	218	138	267—V	287 [7]
162	78	219	139	267—V (1)	287 [7 (1)]
163	79	220	140	267—V (2)	287 [7 (2)]
164	81A	221	141	267—V (3)	287 [7 (3)]
165	169	222	—	267—V (4)	—
166	143	223	—	267—V (5)	287 [7(4)]
167	—	224	—	267—V (6)	287 [7(5)]
168	116	225	251	267—VI	287 [8]
169	113	226	—	267—VII	287 [17]
170	113	227	241	267—VIII	287 [16]
171	114	228	252 A	267—IX	287 [17]
172	—	229	—	267—X	287 [15]
173	115	230—I	242	268	287 [19]
174	—	230—II	243	269	287 [20]
175	—	230—III	244	270	—
176	—	230—IV	245	271—I	287 [17]
177	142	230—V	246	271—II	287 [21]
178	—	230—VI	247	271—III	287 [22]
179	—	230—VII	248	271—IV	287 [23]
180	—	230—VIII	249	271—V	287 [24]
181	—	231	252	271—VI	288
182	—	232	—	271—VII	287 [25]
183	122 (I)	233	423	271—VIII	287 [26]
184	122 (II)	234	224	271—IX	287 [27]
185	122 (III)	235	225	272—I	288 [1], 291
186	122 (IV)	236	226	—	110
187	—	237	227	272—II	111
188	—	238	228	—	112
189	121 (VI)	239	—	272—III	288 [4]
190	122 (VII)	240	239	272—IV	288 [14]
191	123	241	—	272—V	288 [13]
192	—	242	—	272—VI	288 [1]
193	142 (I)	243	230	272—VII	—
194	—	244	231	272—VIII	288 [1A]
195	131	245	232	272—IX	288 [3]
196	134	246	233	272—X	288 [2]
197	133	247	234	272—XI	288 [7]
198	—	248	—	272—XII	288 [8]
199	—	249	—	272—XIII	288 [9]
200	126 (XVI—	250	—	272—XIV	288 [10]
201—I	XXIV)	251	237	272—XV	288 [11]
202	—	252	239	272—I, pro-	288 [6]
203	126 (I—XV)	253	240	viso 1.	—
204	—	254	241	272—I pro-	288 [12]
205	—	255	242	viso 2.	—
206	321 (XIII)	256	—	272—I, pro-	288 [15]
207	—	257	—	viso 3.	—
208	126 (XXV and	258	—	273	293
209	XXVI)	259	—	274	294
210	126 (XXVII)	260	—	275	295
211	126 (XXVIII)	261	235	276	296
212	126 (XXIX)	262	—	277	—
213	126 (XXX and	263	46	278	—
214	XXXI)	264	—	279	207
215	—	265	283	280	—
216	130	266	286	281	204
217	—	267—I	287 [1]	282	214

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(New compared with Old)

New.	Old.	New.	Old.	New	Old.
283	211		267 (XXIV),	395	276 [17 (note)]
284	204 [4]		(XXV), (XXVI),	396	—
285	211 [3]	311	(XXVII),	397	276 [9]
286	211 [I]		(XXVIII),	398	276 [13]
287	214 [I (2)]		(XXX),	399	276 [42]
288	—	342	267 (XXIX),	400	276 [17]
289	223	343	267 (XXXI),	401	276 [11]
290	222	344	269 (V and VI)	402	276 [39]
291	—	345	267 (XXXII),	403	276 [40]
292	205	346	267 (XXXIV),	404	276 [18]
293	—	347	274	405	276 [15]
294	206	348	275	406	276 [19]
295	—	349	—	407	276 [31]
296	210	350	—	408	276 [20]
297	213	351	268	409	276 [22]
298	211	352	59 (I),	410	—
299	212	353	59 (II),	411	—
300	—	354	59 (III),	412	276 [35]
301	265 (I)	355	59 (IV—I)	413	276 [36]
302	265 (VIII)	356	Ditto	414	276 [37]
303	265 (IX)	357	59 (V)	415	276 [38]
304	275	358	59 (VIII),	416	276 [52]
305	265 (V)	359	59 (VI),	417	276 [53]
306	267 (I)	360	59 (VII),	418	276 [51]
307	267 (II)	361	59 (IX),	419	276 [65]
308	—	362	—	420	276 [56]
309	—	363	—	421	276 [57]
310	—	364	270	422	276 [58]
311	267 (III)	365	271	423	276 [58A]
312	267 (IV)	366	272	424	276 [59]
313	267 (VI)	367	267 (XXXIII),	425	276 [60]
314	265	368	276 [1],	426	276 [60A]
315	267 (V)	369	276 [6],	427	276 [61]
316	267 (VII)	370	276 [7],	428	276 [61A]
317	267 (VIII)	371	276 [8],	429	276 [62]
318	267 (IX)	372	276 [11],	430	276 [63]
319	267 (X)	373	276 [13],	431	276 [64]
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321	267 (XII)	375	276 [16],	433	276 [67]
322	267, after (XXXIV)	376	276 [18],	434	276 [66]
323	Ditto	377	278	435	276 [68A]
324	—	378	—	436	276 [68]
325	—	379	276 [44],	437	365a
326	—	380	276 [47],	438	365b
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329	—	383	276 [27],	441	365e
330	—	384	276 [23],	442	365f
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335	267 (XVIII)	389	276 [50],	447	—
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			276 [17]		

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(Old compared with New)

Old.	New	Old	New	Old	New
1	17	54 (VII)	31 & 35	91 (X)	83
1A	23	54 (VIII)	—	91 (XI)	84
2	19	55	—	91 (XII)	85
3	15	55A	31	92	86
4	13 & 71	56 (I)	—	93	89
5	—	56 (II)	37	94	90
6	—	56 (III)	31	95	—
7	12	56 (IV)	—	96	87
8	—	56 (V)	—	97	92
8A	13	57	—	98	92
9	—	58	34	99	93 & 95
10	21	59 (I)	352	100	98
11	—	59 (II)	353	101	97
12	—	59 (III)	354	102	—
13	—	59 (IV)	355 & 356	103	—
14	—	59 (V)	357	104	—
15	—	59 (VI)	358	105	—
16	—	59 (VII)	359	106	—
17	—	59 (VIII)	360	107	—
18	—	59 (IX)	361	108	—
19	130 and 131	60	—	109	—
20	131	61	—	110	—
21	—	62	—	111	272-11
22	124	63	—	112	163 & 170
23	105	64	—	113	171
24	109	65	—	114	172
25	—	66	—	115	173
26	—	67	—	116	168
27	—	68	—	117	—
28	71	69	—	118	—
29	—	70	—	119	—
30	—	71	66, 67	120	—
31	—	72	—	121	—
32	29	73	66	122	185
33	29	74	—	122 (I)	183 & 191
34	32	75	66 67 68	122 (II)	184
35	32	76	158	122 (III)	185
36	—	77	159	122 (IV)	186
37	36	78	162	122 (V)	—
38	—	79	163	122 (VI)	189
39	—	80	160	122 (VII)	190
40	45	81	159	123	191
41	46	81A	164	124	—
42	53 & 54	82	185	125	—
43	40(2)	83	—	125 (I to V)	201 to 205
44	55	84	—	125 (VI to X)	206
45	—	85	—	125 (XI to XV)	207
46	47	86	72	125 (XVI to XX)	208
47	47	87	7	125 (XXI to XXV)	209 to 211
48	48	88	—	125 (XXVI to XXX)	212
49	41	89	22	125 (XXXI to XXXV)	—
50	37 40 53	90	78	126	—
51	23	91 (I)	74	127	215
52	50 & 52	91 (II)	75	128	216
53	—	91 (III)	76	129	214
54 (I)	—	91 (IV)	77	130	213
54 (II)	—	91 (V)	78	131	212
54 (III)	—	91 (VI)	79	132	217
54 (IV)	—	91 (VII)	80	133	—
54 (V)	23	91 (VIII)	81	—	—
54 (VI)	—	91 (IX)	82	—	—

(Old compared with New)

Old	New	Old	New	Old	New
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135	—	193	156	243	230—II
136	217	194	128 & 149	244	230—III
137	—	195	See O & rr	245	230—IV
138	218	—	18 & 12 of	246	230—V
139	219	—	Code	247	230—VI
140	220	19	—	248	230—VII
141	221	197	—	249	230—VIII
142	177	198	—	250	—
143	166	199	—	251	225
144	86	200	—	252	231
145	—	201	—	252A	228
146	—	202	172	253	254
147	57	203	—	254	255
148	57 & 61	204	231	255	—
149	59	204 (1)	—	256	—
142A	61	204 (2)	—	257	433
150	—	204 (3)	—	258 (1)	—
151	—	204 (4)	233	258 (2)	—
152	—	204 (5)	—	258 (3)	—
153	—	205	291	258 (4)	495
154	—	206	293	258 (5)	—
155	—	207	—	258 (6)	496
156	—	208	—	258 (7)	497
157	—	209	—	258 (8)	—
158	—	210	295	258 (9)	—
159	15	211	297	258 (10)	—
160	—	212	298	258 (11)	—
161	—	213	299	258 (12)	511
162	—	214	282 & 293	258 (13)	506
163	—	214 (1)	—	258 (14)	—
164	—	214 (2)	296	258 (15)	—
165	99	214 (3)	284	258 (16)	—
166	—	214 (4)	285 & 286	258 (17)	—
167	—	215	—	259	—
168	100	216	—	260	—
169	165	217	—	261	—
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171	—	219	—	263	510
172	—	220	640	264	498
173	157	221	—	265 (1)	301
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174	157—III	223	288	265 (III)	—
175	—	224	234	265 (IV)	—
176	108	225	235	265 (V)	305
177	107	226	236	265 (VI)	—
178	—	227	237	265 (VII)	107
179	114	228	238	265 (VIII)	302
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181	—	230	243	266	457
182	114	231	244	267 (1)	305
183	123	232	245	267 (II)	306
184	—	233	246	267 (III)	311
185	—	234	247	267 (IV)	312
186	120	235	261	267 (V)	315
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(Old compared with New.)

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383	685	389 (XVI)	483	405	605
384	686	389 (XVII)	484	406 (1) to (5)	21 & 612
385	661	389 (XVIII)	—	407	24
386	660	389 (XIX)	487	408	455
387	—	389, after (XIX)	485	409	673
388	—	390	—	410	656
389 (I)	472	391	—	411	657
389 (II)	475	392	—	412	658
389 (III)	473	393	645	413	557
389 (IV)	472	394	646	414	606
389 (V)	—	395	—	415	667
389 (VI)	—	396	—	416	670
389 (VII)	476	397	676	417	671
389 (VIII)	—	398	647	418	672
389 (IX)	482	399	252	419	674
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389 (XII)	475	402	—	421	639
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THE
OUDH CIVIL DIGEST,

BEING
RULES, ORDERS, FORMS AND REGISTERS,

for Civil Courts subordinate to the Court of the
Judicial Commissioner of Oudh.

VOLUME II.
APPENDICES.



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1912.

APPENDIX A

PERSONS EXEMPTED FROM PERSONAL APPEARANCE

Section 133 (1) of Act V of 1908

The following is the list of persons in the United Provinces who have been exempted from personal appearance in Civil Courts under section 133 (1) of the Code of Civil Procedure —

Division	District	Name	Residence
Meerut	Saharanpur	Ram Dharan Kunwar of Landhaura	Landhaura
	Bulandshahr	Hon ble Nawab Mumtaz ud Daula Sir Muhammed Fayaz Ali Khan	Tahasn
Agra	Mainpuri	Raja Sheo Mangal Singh of Mainpuri	Mainpuri
Rohilkhand	Shahjahanpur	Raja Fateh Singh of Powayan ..	Shahjahanpur
	B Jaur	Raja Francis Xavier Shiam Rikh of Tajpur	Tajpur
Allahabad	Jhansi	Khande Rao Malhar ..	Kilchwarra
	Jalaun	Rao Sheodharan Singh	Gopalpura
	Ditto	Raja Ram Singh CIE of Rampura	Rampura
Benares	Benares	His Highness Maharaja Sir Parbhu Narain Singh Bahadur G.C.I.E. of Benares	Benares
	Mirzapur	Raja Rudra Prasad Singh of Sugrauli	Sugrauli
Gorakhpur ..	Gorakhpur	Wajid Ali Shah ..	Gorakhpur
[Lucknow ..	Lucknow	Nawab Mahd Hussain Khan Bahadur alias Abu Sahib	Lucknow
	Ditto	Maulvi Sayid Muhammad Hussain Majid ul Aar	Ditto
	Ditto	Nawab Faghfur Mirza Bahadur ..	Ditto
	Ditto	Raja Inder Bihram Singh Talukdar of Raipur Khadaria (Ranneya)	Ditto
	Ditto	Raja Shaban Ali Khan Bahadur Talukdar of Salempur	Salampur

APPENDIX A.]

Division	District,	Name.	Residence.
Lucknow— (concluded)	Sitapur ...	The Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.I.E., Talukdar of Mahmudabad	Mahmudabad.
	Bara Banki	Raja Sir Muhammad Tazudik Ismail Khan, K.C.S.I., Talukdar of Jahangirabad	Jahangirabad.
	Rae Bareilly ...	Muhammad Mehndi Ata, Sajjatan-nashin of Salon	Salon.
	Ditto ...	Shahzada Budeo Singh, Bahadur.	Rae Bareilly.
Ayazabad ...	Barabailch	Raja Sir Harnam Singh, Ahluwalla, K.C.I.F.	Barabailch.
	Ditto ...	Raja Udal Partab Singh, C.S.I., of Bilhaga	Benares.
	Gonda ...	Maharaja Sir Bhagwati Prasad Singh K.C.I.E.	Bilrampur.
	Partabgarh ...	The Hon'ble Raja Partab Bahadur Singh C.I.E., Talukdar of Kila Partabgarh	Partabgarh.

APPENDIX B.

LIST I.

(Paragraphs 119 and 176 of the Digest.)

The following list gives the names of the Courts situate beyond the limits of British India by which summonses may be sent to Courts in British India for service. They are Courts established or continued by the Governor General in Council or Courts to which the provisions of section 29 have been declared to apply, by notifications of the Governor General in Council from time to time.

The Courts in the territories of any Foreign Prince or State to which decrees may be sent by Courts in Oudh for execution are—

- (a) those included in this list as having been established or continued by the Governor General in Council ;
- (b) the Courts in Mysore, Baroda and Benares which are mentioned in this list and are distinguished by a dagger (†).

Group of States or Agency	Place or locality	Further specification,	Court.	Notification.
Mysore State	Civil and Military station of Mangalore.	...	The Court of the Resident in Mysore The Court of the Civil Judge The Court of the Munsif ..	Established or continued by Government of India notification no 1361-I, dated the 29th March 1889, under sections 29, 44, 45 and O. V. r 26 of the Code of Civil Procedure, 1908 (sections 650A, 229B, 229 A and 90 of the Code of 1882) The provisions of section 29 of the Code of Civil Procedure, 1908 (section 650A of the Code of 1882) are declared to apply, by Government of India notification no. 232 I-1, dated the 25th November 1891 for reciprocity in the execution of decrees, see Government of India notification no 233-I, dated the 25th November 1891 (under section 41 of the Code) and notification no 2033 L.B., dated the 22nd September 1911
Ditto	...	...	Any Court in Mysore	Established or continued by the Government of India notification no 1361-I, dated the 29th March 1889, under sections 29, 44, 45 and O. V. r 26 of the Code of Civil Procedure, 1908 (sections 650A, 229B, 229A and 90 of the Code of 1882), Ditto ditto
Peshwara	...	Those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana.	District Courts of—	Ditto
	Bharatpur State	That section of the Cawnpore-Achnera Railway situated within the State of Bharatpur.	Ditto	Ditto
	Abn	Those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana.	Magistrate's Court of— Courts of Small Causes of—	Ditto Ditto

Do.	ditto ..	...	Suba, Amjhera (Revenue) ...	Ditto	ditto.
Morar,	ditto ..	...	Cantonment Magistrate (Civil).	Ditto	ditto.
Lashkar Brigade, ditto		...	Cantonment Magistrate of Lashkar.	Ditto	ditto.
INDORE RESIDENCY.					
Indore, Indore State ..		...	Sadar Court, Indore (Civil) ..	Ditto	ditto.
Mandieser, ditto ..		...	District Court, Nimar (Civil)	Ditto	ditto.
Do ditto ..		...	First Grade Munsif's Court (Civil)	Ditto	ditto.
Garote, ditto ..		...	District Court, Rampura	Ditto	ditto.
Do, ditto ..		...	Dhanpara (Civil)	Ditto	ditto.
Mahidpur, ditto ..		...	First grade Munsif's Court (Civil)	Ditto	ditto.
Kenned, ditto ..		...	District Court (Civil)	Ditto	ditto.
Indora, ditto ..		...	District Court, Nimawar (Civil)	Ditto	ditto.
Do ditto ..		...	District Court, Indore (Civil)	Ditto	ditto.
Khergoue, ditto ..		...	Nazim Adalat Court (Civil).	Ditto	ditto.
Menara, ditto ..		...	First grade Munsif's Court (Civil)	Ditto	ditto.
Indore State		...	First grade Munsif's Court, Manasa (Civil)	Ditto	ditto.
NEW DELHI AGENCY.					
Datta, Datta State		...	Any Revenue Court (Revenue)	Ditto	ditto.
Panna, Panna State		...	Darbar Court (Civil and Revenue).	Ditto	ditto.
Charkhari, Charkhari State,		...	Ditto	Ditto	ditto.
Ajigarh, Ajigarh State		...	Ditto	Ditto	ditto.
Rajwar, Rajwar State		...	Ditto	Ditto	ditto.
Chhatarpur, Chhatarpur State		...	Ditto	Ditto	ditto.
Kadwara, Kadwara State ..		...	Ditto	Ditto	ditto.

Group of states or agency	Place or locality	Further specification	Court	Notification
Central India Agency— (continued)	Jours Alapur, Gwalior State	"	Saba, Tamargarh (Revenue)	The provisions of section 29 and O V, r 26 of the Code of Civil Procedure 1908, are declared to apply by Government of India notification no 663 I B, dated the 15th March 1912
	Chitr, ditto "	"	District Judge, Nawaar (Civil)	Ditto
	Do ditto	"	Saba Nawaar (Revenue)	Ditto
	Bhampur ditto	"	District Judge, Bhampur (Civil)	Ditto
	Do ditto	"	Saba, Shoopur (Revenue)	Ditto
	Moongauli, ditto	"	District Judge, Isagarh (Civil)	Ditto
	Bajranggarh, ditto	"	Saba, Isagarh (Revenue)	Ditto
	Bhilai, ditto "	"	District Judge, Bhilai (Civil)	Ditto
	Do ditto "	"	Saba, Bhilai (Revenue)	Ditto
	Shajapur, ditto "	"	District Judge, Shajapur (Civil)	Ditto
	Do ditto	"	Saba, Shajapur (Revenue)	Ditto
	Ujjain, ditto "	"	District Judge, Ujjain (Civil)	Ditto
	Do ditto "	"	Saba, Ujjain (Revenue)	Ditto
	Mandisur, ditto "	"	District Judge, Mandisur (Civil)	Ditto
	Do ditto "	"	Saba, Mandisur (Revenue)	Ditto
	Ambera, ditto "	"	District Judge, Ambera (Civil)	Ditto

KARWA AGENCY.	Dewan, Gaur Franch, Dewan Syde	---	Civil Judge's Court (Civil and Revenue).	Ditto	ditto
	Dewan, Junior Franch, Dewan Syde,	---	District Court (Civil and Revenue)	Ditto	ditto
	Jabra, Jabra Syde	---	Chief Judge's Court (Civil)	Ditto	ditto.
	Do., ditto	---	Chief Court of the Suba of Jabra (Revenue)	Ditto	ditto.
	Fallam, Natlam Syde	---	Judge, Natlam (Civil and Revenue)	Ditto	ditto.
SITAMAM, SITAMAM Syde	Sitames, Sitames Syde	---	Sirayadish Court, Darbar Sitaman (Civil and Revenue)	Ditto	ditto.
	Sa'has, Sa'has Syde	---	Court of Sirayadish (Civil and Revenue).	Ditto	ditto.
PHORSTREYD AGENCY	Free, Free Syde	---	Court of Revenue Commissioner (Revenue).	Ditto	ditto
	Pa., ditto	---	Court of Judicial Commissioner (Civil)	Ditto	ditto
	Pa., ditto	---	Court of Civil Judge (Civil and Revenue)	Ditto	ditto.
	Hever, Tabal, Free Syde.	---	Court of Deputy Magistrate (Civil and Revenue)	Ditto	ditto.
	Teather, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
MAGISTRATES	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
MAGISTRATES	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.
	Magistrate, Tabal, Free Syde.	---	Ditto	Ditto	ditto.

Group of states or agency	Place or locality.	Further specification	Court.	Notification.
*Central India Agency-- (continued)	BHOPAL AGENCY.			
	Bhopal, Bhopal State ...	..	Judicial Minister's Court (Civil)	The provisions of section 29 and O V, r 26 of the Code of Civil Procedure, 1908, are declared to apply by Government of India notification no 603 I B, dated the 15th March 1912
	Do ditto ..	..	District and Sessions Court (Civil)	Ditto
	Do ditto ..	..	Revenue Minister's Court (Revenue)	Ditto
	Kalsen, ditto ..	..	Nazim of Eastern District (Civil and Revenue)	Ditto
	Ashta, ditto ..	..	Nazim of Western District (Civil and Revenue)	Ditto
	Kalathieri, ditto ...	..	Nazim of Southern District (Civil and Revenue)	Ditto
	Disora, Rajgarh State ..	..	Judge's Court. Rajgarh (Civil and Revenue)	Ditto
	Narsingarh, Narsingarh State	..	Civil Judge (Civil)	Ditto
	Do ditto	..	Revenue Officer (Revenue)	Ditto
	Khilchipur, Khilchipur State	..	Court of Superintendent (Civil and Revenue)	Ditto
	Karwai, Karwai State ..	..	Ditto	Ditto
	Pathari, Pathari State ..	..	Ditto	Ditto
	Mohammadgarh, Mohammadgarh State	..	Ditto	Ditto
	Basoda, Basoda State ...	..	Court of Nawab of Basoda (Haidargarh and Basoda) (Civil and Revenue)	Ditto

Group of states or agency	Place or locality.	Further specification	Court.	Notification.
Central India Agency— (continued)	BHOPAL AGENCY.			
	Bhopal, Bhopal State ...	..	Judicial Minister's Court (Civil)	The provisions of section 29 and O. V. r. 26 of the Code of Civil Procedure, 1908, are declared to apply by Government of India notification no 663 I B, dated the 15th March 1912.
	Do ditto ..	..	District and Sessions Court (Civil)	Ditto ditto.
	Do ditto ...	..	Revenue Minister's Court (Revenue)	Ditto ditto.
	Raisen, ditto ..	..	Nazim of Eastern District (Civil and Revenue)	Ditto ditto.
	Ahila ditto ..	..	Nazim of Western District (Civil and Revenue)	Ditto ditto.
	Kalathori, ditto ..	..	Nazim of Southern District (Civil and Revenue)	Ditto ditto.
	Diara, Raigarh State ..	..	Judge's Court, Raigarh (Civil and Revenue)	Ditto ditto.
	Narsingarh, Narsingarh State	..	Civil Judge (Civil)	Ditto ditto.
	Do, ditto ...	..	Revenue Officer (Revenue)	Ditto ditto.
	Khulchipur, Khulchipur State	..	Court of Superintendent (Civil and Revenue)	Ditto ditto.
	Kurwai, Kurwai State ..	..	Ditto	Ditto ditto.
	Pathari, Pathari State ..	..	Ditto	Ditto ditto.
	Mohammadgarh, Mu- hammadgarh State	..	Ditto	Ditto ditto.
	Basoda, Basoda State ...	..	Court of Nawab of Basoda (Haidargarh and Basoda) (Civil and Revenue).	Ditto ditto

Demarc	North		Judge, Collector's and Assistant Collector's Courts	Judge, Collector's and Assistant Collector's Courts	Ditto	ditto
† Ditto	Chak				Ditto	ditto
• Jalpur			<p>The provisions of section 20 of the Code of Civil Procedure 1908 are declared to apply to all Civil and Revenue Courts by Government of India notification no 131111 dated the 30th June 1911 for notification under O V r 26 (2) regarding all Civil Courts and Government of India notification no 131511 of the same date</p> <p>Any Civil or Revenue Court</p>			
• Kishanganb						
• Nowar						
• Dungaipur						
• Binward						
• Partabgarh						
• Jodhpur						
• Bikaner						
• Srolu						
• Jasalmer						
• Jharsipur						
• Karsuli						
• Belpur						
• Bndi						
• Sitapura						
• Tonk						
• Alwar						
• Kotab						

Group of states or agency	Place or locality.	Further specification.	Court.	Notification.
†* Baroda State...	...	..	Any Civil and Revenue Court in Baroda,	The provisions of section 29 of the Code of Civil Procedure, 1908 (section 650A of the Code of 1882) are declared to apply, under Government of India notification no 1930-I, dated the 20th June 1935. For notification under O. V. r. 26(b), see Government of India notification no 1568 I.B., dated the 10th August 1909. For reciprocity in execution of decrees see Gov. of India notification no. 1568 I.B., dated the 3rd July 1908 (under section 44) and notification no. 2053 I.B., dated the 22nd September 1911.
Straits Settlements.	...	...	All Courts	The provisions of section 29 of the Code of Civil Procedure, 1908, are declared to apply by Government notification no. 244, dated February 1909.
Ceylon	...	...	Ditto	The provisions of section 29 of the Code of Civil Procedure, 1908, are declared to apply by Government notification no. 247, dated February 1909.
† Benares	Ramnagar	...	Chief Judge's Court	The provisions of section 29 of the Code of Civil Procedure, 1908, are declared to apply, by Government of India notification no. 1340-I.B., dated the 30th June 1911. For reciprocity in the execution of decrees see Government of India notification no 1341-I.B., dated the 30th June 1911 (under section 44) and notification no. 2053 I.B., dated the 22nd September 1911.

ROHILKHAND AND KUMAUN RAILWAY COMPANY, LIMITED.

THE following is the list of officers of the above-named Railway Company to whom summonses should be sent for service on employes of this Railway who are serving under them :—

Stations.	Officers through whom summonses will be served.					
	Agency department.	Audit, Account, Pay and Cash department.	Engineering department.	Traffic department (including Electrical Telegraph department and Tonga Service).	Locomotive and Carriage department.	Store department.
<p>All stations on the Rohilkhand and Kumaun Railway Company's section from Bhojipura to Kathgodam; and from Bareilly Junction to Kasganj Junction; from Lalkua to Kathipur and from Moradabad to Ramnagar.</p> <p>All stations on the Lucknow-Bareilly Railway, from Bareilly Junction to Lucknow Junction (including Shikematganj on the Shikematganj Branch Line).</p> <p>All stations on the Powsayan Steam Tramway.</p>	The Agent, Rohilkhand and Kumaun Railway, Bareilly.	The Auditor of Accounts, Rohilkhand and Kumaun Railway, Bareilly.	The Resident Engineer, Rohilkhand and Kumaun Railway, Bareilly.	The Traffic Superintendent, Rohilkhand and Kumaun Railway, Bareilly.	The Locomotive Superintendent, Rohilkhand and Kumaun Railway, Bareilly.	The Store Keeper, Rohilkhand and Kumaun Railway, Bareilly.
<p>All stations on the Dudwa branch line from Mailani to Chaudia Chaubi, and its extension to Ramnagar Ghat station.</p>			The Resident Engineer, Rohilkhand and Kumaun Railway, Mailani.			The Principal Medical Officer, Rohilkhand and Kumaun Railway, Bareilly.

BENGAL AND NORTH-WESTERN RAILWAY COMPANY, LIMITED

The following is the list of officers of the Traffic, Engineering, Locomotive and Medical departments to whom summonses should be sent for service on employes of those departments in the United Provinces —

Stations	Officers through whom summonses will be served.			
	Traffic and Telegraph department	Engineering department	Locomotive and Carriage department	Medical department
All stations on the Main Line from Chowka Ghat to Tinsuk, on the Loop Line from Intia thoko to Pachper va, on the Naipalganj road Branch Line Kanra on the Ajodhya (Lakarmandi Ghat) Branch Line from Tiki to Ajodhya (Lakarmandi Ghat) and on the Jarwa Branch Line, Jarwa	District Traffic Superintendent Bengal and North Western Railway, Gonda	Resident Engineer Bengal and North Western Railway, Gonda	District Locomotive Superintendent Bengal and North Western Railway, Gonda	Medical Officer Bengal and North Western Railway, Gonda.
All stations on Barhwal Sitapur extension	Ditto	Ditto	Ditto	Medical Officer, Bengal and North Western Railway Sitapur
All stations on the Naipalganj Road Branch Line, from Paigpur to Naipalganj road, and on the katarman Ghat Branch Line, from Rajojha to katarman Ghat	Ditto	Ditto	Ditto	Medical Officer, Bengal and North Western Railway, Bahraich
On the Main Line, Rast and on the Loop Line from Barhwal to Newgarh	Ditto	Ditto	Ditto	Medical Officer, Bengal and North Western Railway Gorakhpur
All stations on the Main Line from Mundarwa to Duingarh and on the Loop Line from Main ram to Uska Bazar	Ditto	Resident Engineer Bengal and North Western Railway Gorakhpur	Ditto	Ditto

Stations.	Officers through whom summonses will be served.			
	Traffic and Telegraph department.	Engineering department.	Locomotive and Carriage department.	Medical department.
All stations on the Main Line, from Gorakhpur to Bankata, and on the Gorakhpur Chhitauni Ghat Branch Line, from Pipraich to Chhitauni Ghat.	District Traffic Superintendent, Bengal and North-Western Railway, Sonapur	Resident Engineer, Bengal and North-Western Railway, Gorakhpur	District Locomotive Superintendent, Bengal and North-Western Railway, Sonapur	Medical Officer, Bengal and North-Western Railway, Gorakhpur.
On the Barhaj Bazar Branch Line, from Salimpur to Barhaj Bazar, and on the Bhatni-Benares Branch Line, Lar Road and Furtipur	District Traffic Superintendent, Bengal and North-Western Railway, Benares Cantonment	Resident Engineer, Bengal and North-Western Railway, Benares Cantonment.	District Locomotive Superintendent, Bengal and North-Western Railway, Benares Cantonment	Ditto
On the Bhatni-Benares Branch Line, and all stations on the Ballia Shahganj Branch Line, from Ballia to Khataspura, and on the Benares Cantonment, Chapra section, from Banadih Road to Chanddihara Ghat	Ditto ...	Ditto ...	Ditto ...	Medical Officer, Bengal and North-Western Railway, Ballia.
On the Bhatni-Benares Branch Line, Dilhara Road, Man junction and Pipridih, and all stations on the Ballia Shahganj section, from Khorhat to Shahganj, and on the Indara Dohri Ghat Branch Line, from Kopa-ganj to Dohri Ghat.	Ditto ...	Ditto ...	Ditto ...	Medical Officer, Bengal and North-Western Railway, Azam-garh
All stations on the Bhatni-Benares Branch Line, from Dulharpur to Anurihar, on the Benares Cantonment, Chapra section, from Sayedpur Bhatni to Chit-Birgaon, and on the Anurihar-Jaunpur section, from Patrahi to Jaunpur.	Ditto ...	Ditto ..	Ditto ...	Medical Officer, Bengal and North-Western Railway, Ghosi-pur

Stations	Officers through whom summonses will be served			
	Traffic and Telegraph department	Engineering department	Locomotive and Carriage department	Medical department
All stations on the Bhatni Benares Branch Line, from Rajwari to Benares Cantonment	District Traffic Superintendent, Bengal and North-Western Railway, Benares Cantonment	Resident Engineer, Bengal and North-Western Railway, Benares Cantonment	District Locomotive Superintendent, Bengal and North-Western Railway, Benares Cantonment	Medical Officer, Bengal and North-Western Railway, Benares
All stations on the Benares Allahabad extension from Mandnadih to Jangiganj, and on Mirzapur Ghat Branch, Mirzapur Ghat	Ditto	Ditto	Ditto	Ditto
All stations on the Benares Allahabad extension from Bhatni to Jhansi	Ditto	Ditto	Ditto	Medical Officer, Bengal and North-Western Railway, Allahabad

Note—Summonses to be served on the railway code in the office of the Agent Chief Engineer, Chief Auditor, Traffic Manager, and the Locomotive Superintendant should be sent to the officers concerned at Oran.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number	Description of forms.
<i>Prescribed by the Code—(continued).</i>		
...	B-7	Order for transmission of summons to be served on a public servant or soldier.
288	B-8	Notice to show cause. (General form.)
...	B-9	Notice to minor defendant and guardian.
186	B-10	Certificate of non-satisfaction of decree.
187	B-11	Notice to show cause why execution should not issue.
188	B-12	Warrant of attachment of moveable property in execution of a decree for money.
189	B-13	Warrant to the Bailiff to give possession of land, &c.
190	B-14	Attachment in execution. Prohibitory order where the property to be attached consists of moveable property
191	B-15	Attachment in execution. Prohibitory order where the property consists of debts not secured by negotiable instruments.
192	B-16	Attachment in execution. Prohibitory order where the property consists of shares in the capital of a Corporation
193	B-17	Attachment in execution. Prohibitory order where the property consists of immovable property.
194	B-18	Attachment. Prohibitory order where the property consists of money or any security in the custody of a Court of Justice or officer of Government.
195	B-19	Order for payment to the plaintiff, &c., of money, &c., in the hands of a third party.
196	B-20	Notice to attaching creditor.
197	B-21	Warrant of sale of property in execution of a decree for money
198	B-22	Notice to person in possession of moveable property sold in execution.
199	B-23	Prohibitory order against payment of debt sold in execution to any other than the purchaser.
200	B-24	Prohibitory order against the transfer of the shares sold in execution.
201	B-25	Order confirming sale of land.
202	B-26	Order for delivery to certified purchaser of land at a sale in execution.
203	B-27	Authority of the Deputy Commissioner to stay public sale of land
204	B-28	Warrant of committal under O. XXI, r. 98.
205	B-29	Warrant of arrest in execution.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number.	Description of forms.
<i>Prescribed by the Code—(continued).</i>		
...	B-30	Notico to show cause why warrant of arrest should not issue.
207	B-31	Warrant of committal of judgment-debtor to jail. O. XXI, r. 40.
...	B-32	Notice to show cause why a payment or adjustment should not be recorded as certified.
223	B-33	Proclamation of sale. (Trilingual.)
225	B-34	Certificate of sale of land.
228	B-35	Security bond.
..	B-36	Precept (section 46, Act V of 1908).
287	B-37	Order to attach salary of public officer or servant of Railway Company or Local Authority.
...	B-38	Order sending decree for execution to another Court.
...	B-39	Certificate of execution of decree transferred to another Court.
185	B-40	Decree in original suit.
224	B-41	Decree in appeal.
...	B-42	Preliminary decree for foreclosure.
...	B-43	Preliminary decree for sale.
...	B-44	Preliminary decree for redemption.
...	B-45	Decree for sale.—First Mortgagee <i>versus</i> Second Mortgagee and Mortgagor.—One period for redemption.
...	B-46	Decree for sale.—Second Mortgagee <i>versus</i> First Mortgagee and Mortgagor.—One period for redemption.
...	B-47	Decree for foreclosure.—First Mortgagee <i>versus</i> Second Mortgagee and Mortgagor.—Successive periods for redemption.
...	B-48	Decree for sale.—Sub-Mortgagee <i>versus</i> Mortgagee and Mortgagor, the amount of the original mortgage exceeding that of the sub-mortgage.
240	B-49	Memo. of costs in cases in which decree is not issued.
...	B-50	Simple money decrees.
...	B-51	Decree for recovery of land and mesne profits.
..	B-52	Formal order in appeal from order, under O. XLI, r. 37 and O. XLIII, r. 2.
...	B-53	Final decree for foreclosure.
...	B-54	Decree against mortgagor personally.
209	B-55	Commission to examine absent witness.
210	B-56	Commission for a local investigation or to examine accounts.
212	B-57	Warrant of arrest before judgment.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number.	Description of forms
<i>Prescribed by the Code—(concluded).</i>		
213	B-58	Attachment before judgment on proof of failure to furnish security.
214	B-59	Attachment before judgment Prohibitory order where the property to be attached consists of moveable property to which the defendant is entitled, subject to a lien or right of some other person to the immediate possession thereof.
215	B-60	Attachment before judgment Prohibitory order where the property consists of immoveable property.
216	B-61	Attachment before judgment Prohibitory order where the property consists of money in the hands of other persons or of debts not being negotiable instruments
217	B-62	Attachment before judgment Prohibitory order where the property consists of shares in the capital of a Corporation
218	B 63	Appointment of a receiver.
219	B-64	Bond to be given by a receiver.
	B 65	List of documents produced by plaintiff or defendant (O. XIII, r. 1).
220	B-66	Order of reference (Schedule II, r. 3)
221	B-67	Intimation to lower Court of admission of appeal
222	B 68	Notice to respondent of the day fixed for hearing the appeal.
251	B 69	Security under O XXV, r. 1.
252	B-70	Ditto O XXXVIII, r. 5
253	B 71	Ditto O XXXVIII, r. 9.
254	B-72	Ditto O XXXIX, r. 2
255	B-73	Ditto O XLI, r. 5
256	B-74	Ditto O XLI, r. 6
257	B 75	Ditto O XLI, r. 10.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	Now number.	Description of forms.
<i>Other Acts</i>		
232	C-1	Notice of application under section 11, Act VIII of 1890.
233	C-2	Certificate under Act VIII of 1890.
234	C-3	Probato
234A	C-4	Letters of administration.
235	C-5	Refund of stamp certificate
246	C-6	Memo of adjustment of accounts
247	C-7	Certificate under section 11, Act VII of 1889.
248	C-8	Extended certificate under section 11, Act VII of 1889.
258	C-9	Sanad to Curator under section 5, Act XIX of 1841.
259	C-10	Engagement of Curator under section 5, Act XIX of 1841.
260	C-11	Security bond, section 7, Act XIX of 1841.
261	C-12	Administration bond, section 256, Act X of 1865
262	C-13	Appointment or declaration of guardianship, section 7, Act VIII of 1890
263	C-14	Inventory to be exhibited within six months from grant of probate or letters of administration, section 277, Act X of 1865, or section 98, Act V of 1881.
264	C-15	Account to be exhibited within the year from grant of probate or letters of administration, section 277, Act X of 1865, or section 98, Act V of 1881.
271	C-16	Debtor's petition, section 5, Act III of 1907
272	C-17	Notice to creditors of the date of hearing of an Insolvency petition, section 12, Act III of 1907.
273	C-18	Order of adjudication, section 16, Act III of 1907.
274	C-19	Order appointing a receiver, section 18, Act III of 1907.
275	C-20	Proof of debt, section 25, Act III of 1907.
276	C-21	Proof of debt of workmen, section 25, Act III of 1907
277	C-22	Notice to creditors of the date of consideration of a composition or scheme of arrangement, section 27(1), Act III of 1907
278	C-23	List of creditors for use at meeting held for consideration of composition or scheme, section 27(2), Act III of 1907.
279	C-24	Notice to persons claiming to be creditors of intention to declare final dividend, section 39(4), Act III of 1907.

PART I.—Forms obtainable from the Government Press—(continued)

Old number.	New number.	Description of forms.
<i>Other Acts—(concluded).</i>		
280	C-25	Order annulling adjudication, section 12, Act III of 1907.
281	C-26	Notice to creditors of application for discharge, section 11(1), Act III of 1907.
282	C-27	Order of discharge subject to conditions as to any earnings or income which may afterwards become due to an insolvent, or as to his after-acquired property, section 11(a), (b) or (c), Act III of 1907.
283	C-28	Summary administration—Notice to creditors, section 15, Act III of 1907.
284	C-29	Warrant of commitment to jail, section 13(1), Act III of 1907.
285	C-30	Security bond, section 18, Act III of 1907.
286	C-31	Warrant of imprisonment of dishonest applicant, section 13, Act III of 1907.
289	C-32	Notice of institution of suit, section 111, proviso (1) of Army Act, 1851.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number.	Description of forms.
266	E-5	Certificate of travelling allowance paid to Government officials by Courts.
266	E-6	" " " " (bilingual.)
267	E-7	" " " " " "
268	E-8	" " " " map or plan or
269	E-9	Notice intimating that copies are ready for delivery.
307	E-10	Form of requisition for records from Revenue Courts.
299	E-11	Ditto ditto Civil Courts.
330	E-12	Form of transmission of records.
309	E-13	File index.
312	E-14	Form of acknowledgment of receipt of record.
308	E-15	Register of requisitions for records.
<i>Miscellaneous.</i>		
270	M-1	Letter forwarding notices, &c, in cases for publication in newspapers.
301	M-2	Docket requesting Government officer to serve processes.
302	M-3	Form of letter to the Registrar, Judicial Commissioner's Court.
303	M-4	Ditto from the Munsif.
304	M-5	Ditto from the Judge.
305	M-6	Envelope—Munsif's
306	M-7	Do — Judge's
306(a)	M-8	" " " " to the Registrar of the
306(b)	M-9	" " " " the Registrar of the Judicial Commissioner's Court.
292	M-10	Enclosure label
293	M-11	Stock account of forms.
313	M-12	File-board.
297	M-13	Indent for forms
298	M-14	Emergency indent for forms.
239	M-15	District Judge's letter requesting service of processes within the jurisdiction of another Court.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number.	Description of forms.
SECTION B—VERNACULAR (N TO Z).		
<i>Periodical returns.</i>		
326	N 1	Description of suits instituted.
327	N-2	Money value ditto.
328	N 3	Result of suits tried.
329	N-4	Ditto miscellaneous cases tried.
330	N-5	Ditto appeals from decrees.
331	N-6	Ditto ditto orders.
332	N-7	Ditto execution of decrees.
333	N-8	Ditto insolvency proceedings.
337	N-9	Estimate of permanent staff of process servers.
338	N-10	Receipt and disbursement of Sale Commission Fees.
<i>Prescribed by the Code.</i>		
460	O 1	*Summons for disposal of suit.
461	O 2	*Ditto settlement of issues.
462	O-3	Order for transmission of summons for service in the jurisdiction of another Court.
463	O-4	To receive any return of summons of another Court.
464	O 5	Summons to witness.
	O 6	Process requiring attendance of witness—O XVI, 10.
..	O 7	Process requiring attendance of witness—O XVI, 10.
511	O 8	Notice to opposite party of day fixed for leading evidence—properly.
	O 9	Notice to defendant and guard as—O, XXXII, 10.

* See also the following forms prescribed by the Code of Civil Procedure, 1908, O. V, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

PART I—Forms obtainable from the Government Press—(continued)

Old number	New number	Description of forms
<i>Prescribed by the Code—(continued).</i>		
	O 10	Warrant of arrest of witness—O XVI, r 10
487	O 11	Warrant of committal of judgment debtor to jail
576	O 12	Notice to show cause (General form)
466	O 13	Certificate of non satisfaction of decree
467	O 14	Notice to show cause why execution should not issue
468	O 15	Warrant of attachment of moveable property in execution of a decree for money
469	O 16	Warrant to the Bailiff to give possession of land &c
470	O 17	Attachment in execution Prohibitory order where the property to be attached consists of moveable property to which the defendant is entitled, subject to a lien or right of some other person to the immediate possession thereof
471	O 18	Prohibitory order where the property consists of debts not secured by negotiable instruments
472	O 19	Attachment in execution Prohibitory order where the property consists of shares in the capital of a Corporation
473	O 20	Attachment in execution Prohibitory order where the property consists of immoveable property
474	O 21	Attachment Prohibitory order where the property consists of money or of any security in the custody of a Court of Justice or officer of Government
475	O 22	Order for payment to the plaintiff, &c, of money in the hands of a third party
476	O 23	Notice to attaching creditor
477	O 24	Warrant of sale of property in execution of a decree for money
478	O 25	Notice to person in possession of moveable property sold in execution
479	O 26	Prohibitory order against payment of debts, sold in execution to any other than the purchaser
480	O 27	Prohibitory order against the transfer of shares sold in execution
481	O 28	Order confirming sale of land
482	O 29	Order for delivery to certified purchaser of land at a sale in execution
483	O 30	Authority of the Deputy Commissioner to stay public sale of land
484	O 31	Warrant of committal
485	O 32	Warrant of arrest in execution
191	O 33	Security bond under section 65, Act V of 1908.

PART I.—Forms obtainable from the Government Press—(continued).

Old number.	New number.	Description of forms.
SECTION B.—VERNACULAR (N TO Z).		
<i>Periodical returns.</i>		
326	N-1	Description of suits instituted.
327	N-2	Money value ditto.
328	N-3	Result of suits tried.
329	N-4	Ditto miscellaneous cases tried.
330	N-5	Ditto appeals from decrees.
331	N-6	Ditto ditto orders.
332	N-7	Ditto execution of decrees.
333	N-8	Ditto insolvency proceedings.
337	N-9	Estimate of permanent staff of process servers.
338	N-10	Receipt and disbursement of Sale Commission Fees.
<i>Prescribed by the Code.</i>		
460	O-1	*Summons for disposal of suit.
461	O-2	*Ditto settlement of issues.
462	O-3	Order for transmission of summons for service in the jurisdiction of another Court.
463	O-4	To accompany return of summons of another Court.
464	O-5	Summons to witness.
...	O-6	Proclamation requiring attendance of witness.—O. XVI, r. 10.
..	O-7	Proclamation requiring attendance of witness.—O. XVI, r. 10.
511	O-8	Notice to opposite party of day fixed for hearing evidence of pauperism.
..	O-9	Notice to minor defendant and guardian.—O. XXXII, r. 3.

PART I.—Forms obtainable from the Government Press—(continued).

Old number	New number	Description of forms
<i>Prescribed by the Code—(continued).</i>		
.	O-10	Warrant of arrest of witness—O XVI, r 10
487	O-11	Warrant of committal of judgment debtor to jail
576	O 12	Notice to show cause (General form)
466	O 13	Certificate of non satisfaction of decree
467	O 14	Notice to show cause why execution should not issue
468	O 15	Warrant of attachment of moveable property in execution of a decree for money
469	O 16	Warrant to the Bailiff to give possession of land, &c
470	O 17	Attachment in execution Prohibitory order where the property to be attached consists of moveable property to which the defendant is entitled, subject to a lien or right of some other person to the immediate possession thereof
471	O-18	Prohibitory order where the property consists of debts not secured by negotiable instruments
472	O 19	Attachment in execution Prohibitory order where the property consists of shares in the capital of a Corporation
473	O 20	Attachment in execution Prohibitory order where the property consists of immoveable property
474	O 21	Attachment Prohibitory order where the property consists of money, or of any security in the custody of a Court of Justice or officer of Government
475	O-22	Order for payment to the plaintiff, &c, of money in the hands of a third party.
476	O 23	Notice to attaching creditor
477	O-24	Warrant of sale of property in execution of a decree for money.
478	O 25	Notice to person in possession of moveable property sold in execution
479	O-26	Prohibitory order against payment of debts, sold in execution to any other than the purchaser
480	O 27	Prohibitory order against the transfer of shares sold in execution
481	O 28	Order confirming sale of land
482	O 29	Order for delivery to certified purchaser of land at a sale in execution
483	O 30	Authority of the Deputy Commissioner to stay public sale of land
484	O 31	Warrant of committal
485	O 32	Warrant of arrest in execution.
491	O 33	Security bond under section 55, Act V of 1908.

PART I—Forms obtainable from the Government Press—(continued)

Old number	New number	Description of forms.
<i>Prescribed by the Code—(continued)</i>		
.	O 31	Certificate of execution of decree transferred to another Court (O XXI r 6)
495	O-35	Security bond under O XXV, r 1, Act V of 1908
496	O-36	Security for the production of property under O XXXVIII, r 5, Act V of 1908
497	O 37	Security for the production of property under O XXXIII, r 9, Act V of 1908
498	O 38	Security for the production of property under O XXXI, r 2, Act V of 1908.
499	O 39	Security bond to be given on order being made to stay execution of decree under O XLI, r 5, Act V of 1908
500	O-40	Security bond to be given during the pendency of appeal under O XLI, r 6, Act V of 1908
501	O 11	Security for costs of appeal under O XLI, r 10, Act V of 1908
524	O-42	Certificate of sale of land.
573	O-43	Order to attach salary of public officer or servant of Railway Company or local authority
.	O 44	Order in the Navir for causing service of proclamation of sale (O XXI r 66)
.	O 45	Notice to show cause why sale should not be set aside (O XXI rr 90—92)
.	O-46	Notice of payment into Court (O XXIV, r 2)
.	O 17	Notice to show cause why warrant of arrest should not issue (O XXI, r 37)
.	O 18	Notice of the day fixed for settling a sale proclamation (O XXI, r 66)
..	O 49	Notice to show cause why a payment or adjustment should not be recorded as certified (O XXI, r 2)
509	O 50	Commission to examine absent witness
510	O-51	Commission for a local investigation, or to examine witnesses
512	O 52	Warrant of arrest before judgment
513	O 53	Attachment before judgment on proof of failure to furnish security
514	O-54	Attachment before judgment Prohibitory order where the property to be attached consists of movable property to which the defendant is entitled and a lien or right of some other person to the same in a possession thereof

PART I—Forms obtainable from the Government Press—(continued)

Old number	New number	Description of forms
<i>Prescribed by the Code—(concluded)</i>		
515	O 55	Attachment before judgment Prohibitory order where the property to be attached consists of immovable property
516	O 56	Attachment before judgment Prohibitory order where the property to be attached consists of money in the hands of other persons, or of debts not being negotiable instruments
517	O-57	Attachment before judgment Prohibitory order where the property to be attached consists of shares in a Corporation
518	O 58	
519	O 59	
520	O 60	Court
521	O 61	Intimation to lower Court of admission of appeal
522	O 62	Notice to respondent of the day fixed for hearing the appeal
.	O 63	List of documents produced by plaintiff or defendant (O XIII, r 1)
465	O 64	Decree in original suit
523	O 65	Decree in appeal
532	O 66	Memo of costs in cases in which decree does not issue
.	O 67	Preliminary decree for foreclosure
	O 68	Do do do sale
	O 69	Do do do redemption
	O 70	Simple money decree (section 34, Act V of 1903)
	O 71	Decree for recovery of land and mesne profits
.	O 72	Form of application for execution
<i>Other Acts</i>		
490	P-1	Notice of hearing application, section 11, Act VIII of 1890

PART I—Forms obtainable from the Government Press—(continued)

Old number	New number	Description of forms
<i>Other Acts—(continued)</i>		
502	P 2	Sanad to Curator (section 5 Act XIX of 1841)
503	P 3	Engagement of Curator under Act XIX of 1841
504	P-4	Security bond of Curator under section 7, Act XIX of 1841
505	P-5	Administration bond (section 256, Act X of 1865)
506	P 6	Appointment or declaration of guardianship (section 7, Act VIII of 1890)
507	P-7	Inventory to be exhibited within six months from grant of probate or letters of administration under section 277, Act X of 1865, or section 98, Act V of 1881
508	P 8	Accounts to be exhibited within the year from grant of probate or letters of administration under section 277, Act X of 1865 or section 98, Act V of 1881
526	P 9	Certificate under Act VIII of 1890
526A	P 10	Probate under section 254, Act X of 1865 or section 76, Act V of 1881
526B	P 11	Letters of Administration (section 255, Act X of 1865 or section 77 Act V of 1881)
566	P 12	Debtor's petition (section 5, Act III of 1907)
567	P 13	Notice to creditors of the date of hearing of an Insolvency petition (section 12, Act III of 1907) (Bilingual)
568	P-14	Proof of debt (section 25, Act III of 1907)
569	P-15	Proof of debt of workmen (section 25, Act III of 1907)
570	P 16	Notice to creditor of the date of consideration of a composition or scheme of arrangement (section 27, Act III of 1907) (Bilingual)
571	P 17	Notice to persons claiming to be creditors of intention to declare final dividend [section 39 (1), Act III of 1907] (Bilingual)
572	P 18	Notice to creditors of application for discharge [section 11 (1) Act III of 1907] (Bilingual)
573	P 19	Summary administration—notice to creditors (section 18, Act III of 1907)
574	P 20	Security bond (section 18, Act III of 1907)
555	P 21	Memo of adjustment of accounts under chapter IV, Act IV of 1881

PART I—Forms obtainable from the Government Press—(continued).

Old number	New number	Description of forms
<i>Other Acts—(concluded)</i>		
...	P-22	Table of fees chargeable for serving and executing processes (Bilingual) Section 21, Court fees Act, 1870
<i>Accounts</i>		
553	R-1	Pass Book (Books of 100 forms)
554	R 2	Voucher for payment of money into Court
555	R 3	Advice list of receipts and repayments of deposits made at the Treasury (Treasury Officers only)
556	R-4	Notice of unexpended balance of petty receipts (Bilingual)
	R 5	Report of transfer of sale proceeds from Revenue to Civil Courts (Treasury Officers only)
557	R-6	Application for repayment of deposits
	R 7	Receipt for money paid by one party to another in Court
558	R-8	Memo of monthly grand totals of receipts and repayments
559	R-9	Monthly extract from Register of Receipts of Deposits
560	R 10	Do do Repayments of Deposits
	R 11	Plus and Minus Memorandum (Bilingual)
563	R-12	Nazir's monthly report of property in his custody

PART I.—Forms obtainable from the Government Press—(concluded).

Old number.	New number.	Description of forms.
<i>Prescribed by the Digest.</i>		
528	S-1	General index.
530	S-2	Order sheet.
552	S-3	Reader's certificate.
539	S-4	Wrapper—original suits.
540	S-5	Wrapper—appeals.
541	S-6	Wrapper—execution cases.
542	S-7	Wrapper—miscellaneous cases.
543	S-8	List of original suits disposed of.
544	S-9	Do. appeals ditto.
547	S-10	Do. applications for execution disposed of.
548	S-11	Do. miscellaneous cases relating to other suits or cases.
549	S-12	Do. miscellaneous cases not relating to other suits or cases.
550	S-13	Invoice.
527	S-14	Cause list of Civil Court.
529	S-15	Opening page of appeal file.
531	S-16	Form of plaint.
545	S-17	Form of requisition for records from Civil Courts.
546	S-18	Form of transmission of records.
551	S-19	List of registers, books and papers transmitted to record room
561	S-20	Form of requisition for records from Revenue Courts.
562	S-21	Register of requisitions for records.
564	S-22	Form for recording proceedings in Small Cause Court cases.
565	S-23	Receipt slip to be granted for petitions.

PART II.—FORMS PRESCRIBED BY THE DIGEST.

No.	Description.
1	Register of civil suits and miscellaneous cases.
2	Register of appeals from decrees and orders.
3	Register of applications for execution of decrees.
4	Register of applications for insolvency.
5	Register of insolvents' estates in the hands of receivers.
6	Register of stamp duty taken on probates, letters of administration and certificates.
7	Register of persons committed to jail.
8	Register of property attached and sold in execution of decrees.
9	Register of wills filed in applications for the grant of probate or letters of administration with the will annexed.
10	Register of processes.
11	Register of peons.
12	Statistical register of original suits and miscellaneous cases.
13	Statistical register of appeals.
14	Despatch book.
15	Register of receipts of deposits (Form D-1).
16	Register of repayments of deposits (Form D-2).
17	Register of fines, stamp duties and penalties.
17A	Register of fixed postal fees.
18	Register of petty receipts and repayments.
19	Cash book.
20	Pass book (Form R-1).
21	Tender for payment of money into Court (Form R-2).
22	Adviso list of receipts and repayments of deposits at the Treasury (Form R-3).
23	Notice of unexpended balance of petty receipts (Form R-4).
24	Report of transfer of sale proceeds from Revenue to Civil Court (Form R-5).
25	Application for repayment of deposits (Form R-6).
26	Receipt for money paid by one party to another in Court (Form R-7).
27	Memorandum of monthly grand totals of receipts and repayments (Form R-8).
28	Monthly extract from register of receipts of deposits (Form R-9).
29	Monthly extract from register of repayments of deposits (Form R-10).
30	Plus and minus memorandum (Form R-11).
31	Day book.
32	Stationery register.
33	General index (Form S-1).
34	Order sheet (Form S-2).

PART I.—Forms obtainable from the Government Press—(concluded).

Old number.	New number.	Description of forms.
<i>Prescribed by the Digest.</i>		
528	S-1	General index.
530	S-2	Order sheet.
552	S-3	Reader's certificate.
539	S-4	Wrapper—original suits.
540	S-5	Wrapper—appeals.
541	S-6	Wrapper—execution cases.
542	S-7	Wrapper—miscellaneous cases.
543	S-8	List of original suits disposed of.
544	S-9	Do. appeals ditto.
547	S-10	Do. applications for execution disposed of.
548	S-11	Do. miscellaneous cases relating to other suits or cases.
549	S-12	Do. miscellaneous cases not relating to other suits or cases.
550	S-13	Invoice.
527	S-14	Cause list of Civil Court.
529	S-15	Opening page of appeal file.
531	S-16	Form of plaint.
545	S-17	Form of requisition for records from Civil Courts.
546	S-18	Form of transmission of records.
551	S-19	List of registers, books and papers transmitted to record room.
561	S-20	Form of requisition for records from Revenue Courts.
562	S-21	Register of requisitions for records.
564	S-22	Form for recording proceedings in Small Cause Court cases.
565	S-23	Receipt slip to be granted for petitions.

PART II — FORMS PRESCRIBED BY THE DIGEST

No	Description
1	Register of civil suits and miscellaneous cases
2	Register of appeals from decrees and orders
3	Register of applications for execution of decrees
4	Register of applications for insolvency
5	Register of insolvents' estates in the hands of receivers
6	Register of stamp duty taken on probates, letters of administration and certificates
7	Register of persons committed to jail
8	Register of property attached and sold in execution of decrees
9	Register of wills filed in applications for the grant of probate or letters of administration with the will annexed
10	Register of processes
11	Register of peons
12	Statistical register of original suits and miscellaneous cases
13	Statistical register of appeals
14	Despatch book
15	Register of receipts of deposits (Form D 1)
16	Register of repayments of deposits (Form D 2)
17	Register of fines stamp duties and penalties
17A	Register of fixed postal fees
18	Register of petty receipts and repayments
19	Cash book
20	Pass book (Form R-1)
21	Voucher for payment of money into Court (Form R 2)
22	Advice list of receipts and repayments of deposits at the Treasury (Form R-3)
23	Notice of unexpended balance of petty receipts (Form R-4)
24	Report of transfer of sale proceeds from Revenue to Civil Court (Form R-5)
25	Application for repayment of deposits (Form R-6)
26	Receipt for money paid by one party to another to Court (Form R 7)
27	Memorandum of monthly grand totals of receipts and repayments (Form R-8)
28	Monthly extract from register of receipts of deposits (Form R 9)
29	Monthly extract from register of repayments of deposits (Form R-10)
30	Plus and minus memorandum (Form R-11)
31	Day book
32	Stationery register
33	General index (Form S 1)
34	Order sheet (Form S-2)

PART II.—Forms prescribed by the Digest—(continued).

No.	Description.
35	Wrapper—original suits (Form S-4).
36	Wrapper—appeals (Form S-5).
37	Wrapper—execution cases (Form S-6).
38	Wrapper—miscellaneous cases (Form S-7).
39	Wrapper—miscellaneous cases (Form S-8).
40	
41	Decrees disposed of (Form S-10).
42	List of miscellaneous judicial cases (not relating to other suits or cases) disposed of (Form S-12).
43	List of miscellaneous judicial cases (relating to other suits or cases) disposed of (Form S-11).
44	List of registers, books and papers transmitted to record room (Form S-19).
45	Invoice (Form S-13)
46	Application for copies (Form E-6).
47	Estimate for copy of book, register, map or plan, or any extract thereof (Form E-8).
48	Notice of copies being ready for delivery (Form E-9).
49	Register of applications for copies.
50	Register of copyists, showing applications and records received for copy.
51	Copying department despatch-book.
52	Application for inspection (Form E-7).
53	Inspection register.
54	Annual statement showing the number of officers exercising original or appellate jurisdiction (Form A-1).
55	Annual statement showing the number and description of suits instituted (Form A-2)
56	Annual statement showing the number and value of suits instituted (Form A-3).
57	Annual statement showing the general result of the trial of civil suits in the Courts of original jurisdiction (Form A-4).
58	Annual statement showing the general result of the trial of miscellaneous judicial cases in the Courts of original jurisdiction (Form A-5).
59	Annual statement showing the business of the appellate Courts in civil appeals from decrees (Form A-6).
60	Annual statement showing the business of the appellate Courts in miscellaneous civil appeals (Form A-7).
61	Annual statement showing the result of proceedings on applications for execution of decrees (Form A-8).
62	Annual statement showing the number and result of applications and proceedings in insolvency (Form A-9)

PART II.—Forms prescribed by the Digest—(continued)

No	Description
63	Annual statement showing use of assessors in Civil Courts (Form A-10)
64	Annual statement showing the general result of trial of suits in the Courts of Village Munsifs (Form A-12)
65	Annual statement showing number and description of suits instituted in the Courts of Village Munsifs (Form A-13)
66	Annual statement showing number and value of suits instituted in the Courts of Village Munsifs (Form A-14)
67	Annual statement showing the result of applications for revision under section 73, U. P. Act III of 1892 (Form A-16)
68	Annual statement showing estimate of process servers (Form A-15)
69	Annual statement showing probate, letters of administration and succession certificates issued in the Judgeship (Form A-11)
70	Half yearly statement showing receipts on account of Sale Commission Fees (Form A-17)
71	Quarterly return showing grants of probate or administration in the estates of all persons of European extraction, whether British subjects or not (Form A-18)
72	Quarterly statement showing the progress made in weeding in the record room (Form A-19)
73	Explanations of original suits pending over six months (Form A-20)
74	Explanations of execution cases pending more than one year (Form A-21)
75	Monthly statement showing the work done by District Judges (Form A-22)
76	Monthly statement showing the work done by Subordinate Judges (Form A-23)
77	Monthly statement showing work done by Munsifs (Form A-24)
78	Monthly statement showing work done by Judge, Small Cause Court (Form A-25)
79	Proclamation of sale (Form B-33)
80	Register of requisitions for records (Form E-15)
81	Form of requisition for records from Civil Courts (Form E-11)
82	Form for transmission of records (Form E-12)
83	Form of requisition for records from Revenue Courts (Form E-10)
84	Inventory to be exhibited within six months from grant of probate or letters of administration (Form C-11)
85	Account to be exhibited within the year from the grant of probate or letters of administration (Form C-15)
86	File index (Form E-13)
87	Nazir's monthly report of attached property (Form R-12)
88	Refund of stamp certificate (Form C-5)
89	Form of letter to Registrar (Form M-5)
90	Enclosure label (Form M-10)

PART II.—Forms prescribed by the Digest—(concluded).

No.	Description.
91	Certificate of travelling allowance paid to Government Officials by Courts (Form E-5).
92	Report of a periodical return being blank (Form A-26).
93	Receipt slip (Form S-23).
94	Insolvency petition. (General title.)
95	Debtor's petition (Form C-16).
96	Notice to creditors of the date of bearing of an Insolvency petition (Form C-17).
97	Order of adjudication (Form C-18).
98	Order appointing a receiver (Form C-19).
99	Proof of debt.—General form (Form C-20).
100	Proof of debt of workmen (Form C-21).
101	Notice to creditors of the date of consideration of a composition or scheme of arrangement (Form C-22).
102	List of creditors for use at meeting held for consideration of composition or scheme (Form C-23).
103	Notice to persons claiming to be creditors of intention to declare final dividend (Form C-24).
104	Order annulling adjudication (Form C-25).
105	Notice to creditors of application for discharge (Form C-26).
106	Order of discharge subject to conditions as to earnings, after-acquired property and income (Form C-27).
107	Summary administration (Form C-28).

PART III—HEADINGS OF FORMS PRESCRIBED BY THE DIGEST.

FORM No. 1.

during 19 .

Register of Miscellaneous cases in the Court of
[Paragraph 512, Oudh Civil Digest]

How instituted, i.e. (1) Originally instituted (2) Received by transfer, (3) Remanded O XLII r 23 (4) On review O XLII r 4 (5) Revived or O XLII, r 9	Name, description and place of abode of plaintiff	Name, description and place of abode of defendant	Cause of action	Demand or relief	Value of claim	Date fixed for parties to appear	Judgment		Appeal		Execution		Return of execution,		Remarks	Record kept by signature and date																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
							For whom for what or amount	Number and date of appeal	Date and purpose of judgment in appeal	Number and date of appeal	Date and purpose of judgment in appeal	Number and date of application	Date of order	Against whom			For what, and amount, if any	Amount paid into Court.	Minute of order or return and date of entry or return																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000

Note 1—All suits whether or finally instituted or received on transfer in a Court shall, in the register, receive a serial number of the year of institution or receipt, and such serial number shall be all subsequent entries relating to such suits, except when received on transfer from another Court, continue to be the serial number of the suit, as for instance in suit No. 12 of 1910 is remanded under Order XLII rule 23 Act V of 1909 on 1st February 1911. On receipt of such order of remand the suit shall be entered in the register of 1911 as No. 12 of 1910. In such case a note of reference shall be made against the original entry in the register in which the suit first appeared.

Note 2—The provisions of the Court shall appoint an official of the Court whose duty it shall be to fill up the columns of this register.

Note 3—In column 2 all suits entered must be entered to meet the requirements of columns 4-7 of annual statements in forms 27 and 28.

Note 4—Another register in this form must be kept up for the miscellaneous cases printed on the back of statement in form 28. All other miscellaneous cases coming before the Court should be entered in this (miscellaneous) register; if such applications are admitted they should be entered in the register of suits bearing a fresh number. Similar procedure will be followed in regard to applications for review and appeals, care being taken to quote correctly the Order and rule of the Code under which they are filed.

Note 5—Another register in this form must be kept up for Miscellaneous non-judicial cases and columns 12-25 on filed.

Note 6—The Record Keeper shall enter his signature and the date in the column prescribed for the purpose against the entry of each case the record of which has been received by him.

The Register of an ordinary Court shall not be sent to the record room. In the column prescribed for the Record Keeper's signature against each case the record of which has been sent to the record room and shall date and initial the note in an ordinary Honorary Magistrate's Court this duty may be performed by any official whom the presiding officer may appoint.

All presiding officers when transcribing the registers under paragraph 512 must see that the above instructions are properly carried out, and that there is no unnecessary delay in the transmission of files to the record room.

(FORM PREPARED BY)

FORM No. 2.
appeals in the Court ofRegister of
[Paragraph 513, Oandh Civil Digest]

during 19 .

Date of presentation of memorandum.	2	1	Number of appeal.	Name of appellant with description and place of abode.	Name of respondent with description and place of abode.	Decree appealed from				Judgment.			Appeal from appeal.				Remarks.	
						Of what Court.	Number of original suits.	Particulars.	Amount or value.	Date.	Confirmed, reversed, or altered.	For what, or amount.	Date of institution.	Date of disposal.	Judgment.	Record keeper's signature with date.		
1				How instituted, i.e., (1) Originally presented, (2) Received by transfer, (3) Remanded, O XLI, r 53, (4) Reversed, O XLVII, r 4, (5) Reversed, O XLII, r 19, and O XLI, r 21.														

Note 1—The instructions as to numbering given on register no 1 are applicable, *mutatis mutandis*, to this register.

2—The entry in column 8 shall be made with reference to column 2 to 10 of Return in Form 55

3—Appeals from decrees under section 47 of Act V of 1908, shall be entered in this register

4—Another register in this form must be kept up for miscellaneous appeals 1 a, (a) under section 104, O XLIII, r. 1, of the Code of Civil Procedure, and 1 (b) under any other Acts, this will be required for preparation of Return in Form 58.

5—See footnote 6 to register No. 1.

[NOT PRINTED]

FORM No. 3.
Register of applications for execution of Civil decrees in the Court of
 [Paragraphs 170 and 512, Oudh Civil Digest]

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Serial number of applications.	Number of original suits.	Date of application for execution, and name of district, if received by transfer.	Name and residence of the decree-holder.	Name and residence of the judgment debtor.	Amount and date of decree, including costs and rate of interest if any.	How application was disposed of. See columns 5 to 8 and 11 to 26 of Form 61 for the details here required.	To which of the columns 5 to 8 and 11 to 26 of Form 61 the entry of the preceding column has been transferred.	Number of adjournments.	Value of claim in which plea-dene fees were awarded and amount awarded.	Amount of decree, with costs in execution remaining unpaid.	Name of each witness and the period of his detention.	Record Keeper's signature and date.	Any other notes that may be required.

Note 1 — Every application for execution of a decree should be registered. Decree holders should not be allowed to pay the process fees necessary for the issue of two or more *conservatory* warrants in a case with one application, and no second warrant should issue in the absence of a second application. *Note 2* — See footnote No. 6 to form of register in Form 1.

Note 3 — See footnote No. 6 to form of register in Form 1. In column 14, add the words "Report to Deputy Commissioner" opposite every case which should be included in the monthly list prescribed in paragraph 543.

[NOT PRINTED]

FORM No. 4.

Register of applications for insolvency in the Court of

[Paragraph 514, Oudh Civil Digest]

during 19

Date of application		1		2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20	
Name of applicant with description and place of abode		Whether filed in Court or received by transfer.		Under arrest or imprisonment		Not under arrest or imprisonment.		By judgment-debtor		If filed in Court, by whom.		Date of disposal		Transferred		Withdrawn or otherwise not prosecuted		A receiver being appointed		A receiver not being appointed		Dismissed, section 15, Act III of 1907		Composition approved by Court, section 27, Act III of 1907.		Sentence of imprisonment being passed under section 43, Act III of 1907.		Number of persons in whose favour order of adjudication made		Persons discharged under section 44, Act III of 1907		Remarks.		Record Keeper's signature and date.							

Note 1 — In filling up the columns of this register care shall be taken to embody the particulars required to be supplied in Return in Form 62

" 2 — See footnote 6 to Register in Form 1.

[NOT PRINTED]

FORM No. 5.
Register of Insolvents' estates in the hands of Receivers in the Court of during 19 .
 [Paragraph 514, Oudh Civil Digest.]

1 Date of appointment and name of receiver	2 Number of cases in Miscellaneous Register.	3 Name of applicant.	4 Number of estates placed in charge of receiver.	Amount of creditors' claims		Assets realized.		Disbursement.								REMARKS.
				Admitted.	Disallowed.	Date.	Amount.	Remuneration of receiver.		Charges other than creditors' claims.		Creditors' claims.				
								Date.	Amount.	Date.	Amount.	Date.	Amount.			
1				5	6	7	8	9	10	11	12	13	14	15		

See footnote 1 to Register of Insolvency Petitions (Form 4).

[NOT PRINTED.]

FORM No. 6.

Register of stamp-duty taken on probates, letters of administration and certificates issued in the district of
 [Paragraph 514, Oudh Civil Digest.]

1	2	3	4	5	Under Act X of 1865.				10	11	12	13	14	15	16
Number of application.	Date of presentation.	Date of order.	Name of applicant.	Declared value of assets of estate	Number of probates or letters of administration, with Will annexed.	Amount of Court-fee paid.	Number of letters of administration, without Will annexed.	Amount of Court-fee paid	Number of certificates under Act VII of 1859.	Amount of Court-fee paid.	Number of certificates under Act VIII of 1890.	Amount of Court-fee paid.	Number of probates and letters under Act V of 1891.	Amount of Court-fee paid.	Any other notes that may be required.

FORM No. 7.

Register of persons committed to Jail.

[Paragraph 512, Qudh Civil Digest.]

Serial number.	Date of commitment to jail.	Number of case.	Name of decree-holder.	Name, residence, &c., of judgment-debtor.	Date of original decree.	Amount of decree.	Diet-money paid.			Date of actual release.	Name of deciding officer.	
							Date.	Amount.				
								Rs.	a.	P.		
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												

Any other remarks that may be required.

Paragraph 213 should be amended to include remitting the prisoner's jail expenses.

[NOT PRINTED.]

FORM NO. 8.

Register of property attached and sold in execution of decree, including commission on sales.

[Paragraphs 139, 203 and 512, Oudh Civil Digest.]

Date on which property deposited in Court.	Serial number.	Names of parties together with amount of decree at time of sale.		Name of officer and his designation.	Description of property attached.	Description of property released and date.	Description of property sold and date.	Date of recovery of purchase- money and amount.		Signature of recipient of property released.	Amount of commission charged.	Date of credit to sale commission fund.	Remarks.
		Names of parties together with amount of decree at time of sale.	Amount of decree.					Date.	Amount.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14

In this register all property, whether moveable or immovable, attached or sold, should be entered; but for facility of search and inspection, there is no objection to opening out a separate form for each kind at either end of the book.

[NOT PRINTED.]

FORM No. 9.

Register of Wills filed in applications for the grant of probates or letters of administration with the Wills annexed.

(Court of District Judge
District Delegate.)

[Paragraph 514, Oudh Civil Digest.]

Serial number of Will	Number of files in the Court register which relates to the Will	Date of execution of the Will	Date of grant of probate or of letters of administration with the Will annexed.	Persons to whom probate or letters of administration with Will annexed granted.	Date of inspection of Will	Person by whom Will inspected	Whether inspection held in presence of District Judge or District Delegate or Munassir	Fees realized on inspection	REMARKS
1	2	3	4	5	6	7	8	9	10

[NOT PRINTED.]

Register of processes for the Court of

during

19 .

[Paragraph 515, Oudh Civil Digest]

Serial number.	Date of receipt of process by Nazir.	Number of case and names of parties.	Place where to be served.	Description and number of processes		Date fixed for hearing.	Date of issue to process server	Name or signature of process server to whom entrusted.	Amount paid to process server for disbursement		Date fixed for return of the process by process server.	Date of actual return by process server.	Unexpended money returned by the process server		Signature of official acknowledging receipt.	REMARKS
				Within 5 mile radius	Outside 5 mile radius				Number (column 13 of petty register)	Amount (column 14 of petty register).			Number (column 3 of petty register).	Amount (column 7 of petty register).		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

Notes 1.—Entries in this register shall be made in the order in which processes are received, columns 1—6 being filled up as soon as processes are received, columns 7—10 when processes are issued, and the remaining columns after return of service.

2.—Column 6 shall be filled up with reference to the lists maintained under paragraph 141, Oudh Civil Digest.

3.—Columns 9 and 12 shall be filled up with reference to the corresponding columns of the register of petty receipts and repayments and with reference to paragraph 572 of this Digest.

4.—The Presiding Judge of the Court shall, from time to time, ascertain that the work is fairly distributed among the peons.

[NOT PRINTED]

FORM No. 11.

Register of peons in the Court of for 19 .

[Paragraphs 150 and 515, Oudh Civil Digest]

Name of peon.	Month	Warrants executed.	Warrants not executed.	Summonses and notices served personally.	Summonses and notices served but not personally.	Summonses and notices returned unserved.
1	2	3	4	5	6	7
						-

FORM No. 12.

Statistical Register of *Original suits* in the Court of *for 19*
Miscellaneous cases

[Paragraph 512, Oudh Civil Digest.]

Name of Officer.	Date.	Institutions		Disposals																			Any other note for statistical purposes.		
		Valuation	Notes for returns in Forms 55 and 56	Without trial.			Without contest			On reference to arbitration		With contest		Duration in days.		Total number of days in uncontested cases.	Total number of days in contested cases.	Number of adjournments.	Pleader's fee awarded.	Name of each witness and the period of his detention.					
				Plaint or application reject- ed.	Dismissed for default.	Withdrawn with leave.	Compromised	Decreed on confession.	Decreed <i>ex parte</i>	Dismissed <i>ex parte</i> .	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.	Total number of days in uncontested cases.						Total number of days in contested cases.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	

Note 1.—Separate registers in this form shall be kept for original suits and miscellaneous judicial cases.

2.—The entries in this register shall be totalled monthly, quarterly and annually.

3.—Returns in Forms 55 and 56 will be compiled from columns 4, 5 and 6.

4.—Column 22. For definition of "adjournment" see footnote 6 to return in Form 57.

[NOT PRINTED.]

FORM No 13

Statistical Register of Civil Appeals (Macallanous) *Regular* decided in the Court of for 19 .

[Paragraph 513, Oudh Civil Digest]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
name of officer.	Date of decision	Number of appeal	Transferred to other Court with name of the Court	Appeals summarily rejected under O XLII, r 11 Act V of 1908	Dismissed for default under O XLII r 17, 18 Act V of 1908, or otherwise not prosecuted.	Confirmed	Mod. fed.	Reversed	Remanded under O XLII r 23, Act V of 1908	Confirmed	Mod. fed.	Reversed.	Remanded under O XLII, r 23 Act V of 1908	Total number of days the appeal remained pending	Objections under O XLII, r 22 (1), (2), (3), (5), Act V of 1908.	Valuation of appeal	Leader's fee awarded	Number of adjournments	Any other note necessary for statistical purposes

The instructions as to compilation of returns in Forms 57 and 58 are applicable, *mutatis mutandis*, to this register also
NOT PRINTED]

FORM No. 12.

Statistical Register of Original suits in the Court of
Miscellaneous cases for 19 .

[Paragraph 512, Oudh Civil Digest.]

Name of Officer	Date	Number of cases.		Disposals																			Number of adjournments	Pleader's fee awarded	Name of each witness and the period of his detention	Any other note for statistical purposes.
		To which column of return in Form 55 the entry has been transferred	To which column of return in Form 56 the entry has been transferred	Without trial.			Without contest.					On reference to arbitration		With contest		Duration in days.										
				Plaint or application rejected.	Dismissed for default.	Withdrawn with leave.	Compromised	Decreed on confession	Decreed <i>ex parte</i>	Dismissed <i>ex parte</i>	For plaintiff.	For defendant	Judgment for plaintiff in whole or in part	Judgment for defendant.	Total number of days in uncontested cases.	Total number of days in contested cases.										
1		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25		

Notes 1—Separate registers in this form shall be kept for original suits and miscellaneous judicial cases

2—The entries in this register shall be totalled monthly, quarterly and annually.

3—Returns in Forms 55 and 56 will be compiled from columns 4, 5 and 6.

4—Column 22. For definition of "adjournment" see footnote 6 to return in Form 57.

[NOT PRINTED]

FORM No. 13.

for 19 .

Statistical Register of Civil Appeals (^{Regular}~~Miscellaneous~~) decided in the Court of

[Paragraph 513, Outh Civil Digest.]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Name of Court	Date of decision	Number of appeal	Transferred to other Court with name of the Court	Appeals summarily rejected under O XL, r 11, Act V of 1908	Dismissed for default under O XL, r 17, 18, Act V of 1908, or otherwise not presented	Heard <i>ex parte</i> .				Contested				Total number of days the appeal remained pending	Objections under O XL, r 22 (1), (2), (3), (5), Act V of 1908.	Valuation of appeal	Header's fee awarded	Number of adjournments.	Any other note necessary for statistical purposes.
						Confirmed	Modified	Reversed	Remanded under O XL, r 23, Act V of 1908	Confirmed.	Modified.	Reversed	Remanded under O XL, r 23, Act V of 1908.						

The instructions as to compilation of returns in Forms 67 and 68 are applicable, *mutatis mutandis*, to this register also.

NOT PRINTED

FORM No 14.

Despatch Book of the Court of

[Paragraph 515, Oath Civil Digest]

Date and month of despatch	Part to which paper or papers relate	Number of cases and names of parties	Number and description of papers	To whom addressed	Recipient's signature	Remarks.
1	2	3	4	5	6	7

Note 1.—In this book every paper [other than return of service of process entered in Register of Processes (Form 10)] despatched from the Court, whether by messenger or by post, should be entered. There is no objection, however, to two books being kept up, one for *assigned business* and the other for *despatches by post* if the practice is found to be more convenient.

" 2.—The despatching officer shall keep up a separate despatch register for papers to be sent by post, column 6 of this register being omitted, and in its stead a column being inserted to show the value of service postage labels affixed on the covers.

" 3.—This form shall be used by the English office also (see paragraph 461), but column 3 may be omitted.

[NOT PRINTED]

FORM No 15

Register of Receipts of Deposits in the Court of

[Paragraph 551, Oudh Civil Digest]

[illegible]

FORM No. 16.

Register of Repayments of Deposits in the Court of

[Paragraph 551, Outh Civil Digest.]

Court	Particulars of Deposits				Date of payment	Number of receipts	To whom repaid.	Amount repaid			Initials.		Daily total carried to cash-book.	Initials of Judge.	Remarks.
	Serial No.	Date	Number and year of case	Amount of balance of deposits.				He.	a.	p.	Manuscript.	Judge.			
1	2	3	4	5	6	7	8	He.	a.	p.			12	13	14

[PRINTED]

FORM No. 17.

Register of Fines, Stamp-duties and Penalties realized.

[Paragraph 551, Outh Civil Digest.]

Court	Serial number of case	Date of realization.	Serial number of case.	Names of parties.	Name of party paying.	Act and section under which payment is made.	Amount of fine.	Amount of stamp duty.	Amount of penalty.	Initials of Manu- script.	Debit total.	Initials of Judge.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

[NOT PRINTED]

FORM No 17A.
Register of Fixed Postal Fees.
[Paragraphs 171, 355 and 356, Oudh Civil Digest]

Court	Court serial number	Number and year of case	Date of realization	Serial number of tender	Names of parties	Name of lasty lay-log	Amount	Initials of Monsarim	Daily total	Initials of Judge	Remarks
1	2	3	4	5	6	7	8	9	10	11	12

[NOT PRINTED]

FORM No 18

Register of Petty Receipts and Repayments
[Paragraph 554, Oudh Civil Digest]

Date	Court	Serial number	Name of layer	Number of parties	Nature of receipt	Amount	Daily total	Serial number of repayment	Monsarim's signature	Date	Serial number	Serial number of receipt	Amount	Signature of recipient	Daily total	Monsarim's signature	Balance to be struck and to be signed by the Judge
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

[NOT PRINTED]

FORM No 22

Advice List of Receipts and Repayments of Deposits made at the Treasury of on the day of 19 .

[Paragraph 566, Oudh Civil Digest]

Court issuing order for receipt	Date of order	Number of suit	Amount received	Court issuing order for repayment	Number of order	Date of order	Amount repaid	Remarks
1	2	3	4 Rs a p	5	6	7	8 Rs a p	9

[PRINTED]

FORM No 23

Notice of unexpended balances of petty receipts

COURT OF

[Paragraph 572, Oudh Civil Digest]

Notice is hereby given that the unexpended balances of money deposited in the under-mentioned cases are due and have become repayable —

Reference to deposit		Case	By whom deposited	Amount deposited	Amount disbursed	Balance due and repayable	Date of notice	Signature of Receiving Officer	Remarks
Date	Number and page of muster								
1	2	8	4	5	6	7	8	9	10

[PRINTED]

[PRINTED]

FORM No. 21.

Report of transfer of sale proceeds of land from Revenue to Civil Court Deposit accounts.

[Paragraph 567, Oath Civil Digest.]

To

The

No. of entry	Date of sale	Names of persons to whom and for what debt	Date of order of sale decreed to Deputy C. M. A. alone.	Property sold.	Amount of sale proceeds less poundage.	Date on which the amount was credited in Civil Court deposit accounts of the Treasury	Remarks.
1			4	6	0	7	8
					11s 6d		

By the Deputy Commissioner's Office and column 7 in the Treasury Office

12 12

Treasury Officer.

FORM No 25.

Application for repayment of deposits in the Court of

[Paragraph 573, Oudh Civil Digest.]

Instructions to applicant—Fill up correctly columns 1 to 4, leaving the other columns blank:

Name of applicant	Names of parties and number of suit	Nature of repayment applied for	Amount	Deposit		Is amount still in deposit and available for present payment to the applicant?	Order of the presiding Judge	Serial number and date of repayment order
				Serial number	Date			
1	2	3	4	5	6	7	8	10
			Rs. P.					

Signature of applicant

Witness to signature of applicant
Date

Signature of Munshim or Clerk of the Court.

Signature of Receiving Officer.

Received repayment order No

for Rs.

Repayment advised by Treasury Advice List
Sub Treasury

Signature of applicant

Signature of Receiving Officer.

D to I

[PRINTED]

FORM No. 26

Receipt for money paid by one party to another in Court

[Paragraph 597, Oudh Civil Digest]

RECEIPT FOR IMMEDIATE DISBURSEMENT

Number of suit

Names of parties

Receipt for Rs

Paid by

On account of

Received by

Signature of Recipient

Signature of identifying witness

In my presence

To be given to the payer

Presiding Judge

COPY OF RECEIPT FOR IMMEDIATE
DISBURSEMENT.

Number of suit

Names of parties

Receipt for Rs

Paid by

On account of

Received by

Signature of Recipient (Sd)

Signature of identifying witness (Sd)

In my presence

To be filed with the record

Presiding Judge

Stamp

FORM No. 27.
Memorandum of monthly grand totals of amounts received and repaid at the Treasury of
during the month of 19 .
 * [Paragraph 604, Oudh Civil Digest.]

Receipts										Payment		Remarks
Deposits		Duty paid on instruments not duly stamped	Penalties paid on instruments not duly stamped	Fines	Pound rent payable to the Magistrate	Miscellaneous	Total			Deposits		
1		2	3	4	5	6	7			8	9	
Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p	

[PRINTED]

61

FORM No. 28.
Monthly extract from Register of Receipts of Deposits for the month of 19 .
 [Paragraph 605, Oudh Civil Digest.]

Date of receipt	Number of deposit	From whom received	Nature of each deposit	Amount of deposit	Daily total	Remarks
1	2	3	4	Rs. 5	Rs. 6	7
				Rs. a p	Rs. a p	

[PRINTED]

4

5

6

7

8 9

10

11

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14

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17

18

19

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21

22

23

24

FORM No. 30.

Plus and Minus Memorandum for the month of 19 .

[Paragraphs 605 and 608, Oudh Civil Digest]

Serial no.	Court	Opening balance			Receipts during the month			Total.			Repayments during the month.			Closing balance			Remarks
1	2	3			4			5			6			7			8
		Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p	
1	District Judge	.															
2	Subordinate Judge	.															
3	Munsif of	.															
4	Munsif of	..															
	Total	..															

Checked and found to agree.

Judge.

Treasury Officer.

[PRINTED]

FORM No 33

General Index.

[Paragraphs 305 and 313, Oudh Civil Digest]

File (A or B)	Serial number of paper	Descrip- tion of paper	Number of sheets in paper	Court fees		Date of admission of paper to record	State of document	Remarks
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9

[PRINTED]

FORM No. 34.

Order Sheet

[Paragraph 306, Oudh Civil Digest]

*In the Court of**verous*

Number of order	Date of order	Order with initials of presiding Judge	Reference to application or paper on which the original order was written	Reference to number and date of report in com- pliance of the order
1	2	3	4	5

[PRINTED]

FORM No. 35

Wrapper—Original Suits

[Paragraph 311, Oudh Civil Digest]

Name of Court	Number of suit	Names of parties
Nature and amount of claim	Date of institution	Date of disposal

[PRINTED]

FORM No 36
Wrapper — Appeals

[Paragraph 311, Oudh Civil Digest]

Name of Court	Number of appeal	Names of parties	Date of institution
Decree or order appealed from			Date of disposal
Of what Court	Number	Date of decision.	

[PRINTED]

FORM No 37.
Wrapper — Execution cases

[Paragraph 311, Oudh Civil Digest]

Name of Court	Number of application	Names of parties	Amount property, or other relief sought to be obtained by execution	Date of institution.
Decree or order sought to be executed				Date of disposal
Of what Court	Number	Date of decision		

[PRINTED]

FORM No 38
Wrapper — Miscellaneous cases

[Paragraph 311, Oudh Civil Digest]

Name of Court	Number of case	Nature of case	Names of parties	Date of institution
Other case, if any, to which this case relates				Date of disposal.
Of what Court.	Number and names of parties	Class	Date of decision	

[PRINTED]

10 .

List of appeals disposed of in the Court of in the month of

[Paragraph 331, Ouda Civil Digest.]

Serial No	Date of disposal	Number of appeal	Names of parties	Decree appealed from			Number of papers on record.	Weeding			Date of putting up with record of or final suit	Miscellaneous						Other papers			Remarks
				Of what Court	Number of original suit	Date of disposal		Date of destruction of file	D	C		B	Application under O XLI r 19		Application on review under S 114 O XLVII r 1		Description of paper	Date of disposal.	Date of putting up.		
													Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.				Date of disposal		Date of putting up record.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

Columns 1 to 8 will be filled up in the Court and the other columns in the record room This form will also be used for appeals from orders

[PRINTED]

FORM No. 39.

List of original suits disposed of in the Court of _____ in the month of _____ 19 _____

[Paragraph 331, Oudh Civil Digest.]

Serial No	Date of disposal.	Name of suit.	Names of parties.	Number of papers on record.	Weeding.			Appeal.		Execution.	Miscellaneous.												Remarks.
					Date of destruction of file.	D.	C.	B.	Date of disposal.		Date of putting up record.	Date of disposal of application.	Date of putting up record.	Application under O. IX, r. 4.		Application under O. IX, r. 9.		Application under O. IX, r. 13.		Application for review under S. 114, O XLVII, r. 1.		Other papers.	
														Date of disposal.	Date of putting up record.	Date of disposal.	Date of putting up record.	Date of disposal.	Date of putting up record.	Date of disposal.	Date of putting up record.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

Columns 1 to 5 will be filled up in the Court and other columns in the record room.

[PRINTED.]

List of original suits disposed of in the Court of _____ in the month of _____ 19 _____

[Paragraph 331, Oudh Civil Digest.]

Serial No	Date of disposal.	Name of suit	Names of parties.	Number of papers on record.	Weeding.			Appeal.		Execu- tion.	Miscellaneous.												Remarks.			
					Date of destruction of file.	D.	C.	B.	Date of disposal.		Date of putting up record.	Application under O. IX, r. 4.		Application under O. IX, r. 9.		Application under O. IX, r. 13.		Application for review under S. 114, O XLVII, r. 1.		Other papers.						
												Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.	Date of disposal		Date of putting up record.	Date of disposal	Date of putting up record.	Description of paper.	Date of disposal.	Date of putting up.
1						6	7	8		9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	

Columns 1 to 5 will be filled up in the Court and other columns in the record room.

[PRINTED.]

FORM No. 40.

List of appeals disposed of in the Court of *of* in the month of *10* .

[Paragraph 331, Ouda Civil Digest.]

Serial No.	Date of disposal.	Number of appeal	Names of parties.	Decree appealed from.			Number of papers on record.	Weeding			Miscellaneous						Other papers			Remarks
				Of what Court.	Number of original suit.	Date of disposal.		Date of destruction of file			Application under O XII, r. 19.		Application under O XII, r. 21		Application for review under S 114, O XLVII, r. 1.		Description of paper	Date of disposal.	Date of putting up.	
								D	C	B	Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.	Date of disposal	Date of putting up record.				
1				6	0	7	8	9	10	11	13	14	15	16	17	18	19	20	21	22

Columns 1 to 8 will be filled up in the Court, and the other columns in the record room. This form will also be used for appeals from orders.

[PRINTED.]

FORM No. 42.

*List of Miscellaneous Judicial cases not relating to other cases disposed of in the Court of
of
in the month of*

[Paragraph 331, Oudh Civil Digest.]

Serial No.	Date of disposal	Number of case	Names of parties	Nature of case	Number of papers on record.	Weeding.				Papers put up with record of miscellaneous case			Remarks.	
						Date of destruction of file				Description of paper	Date of disposal	Date of putting up		
						D	C	B	A					
1	10	2	4	5	0		8	9		10	11	12	13	

This form will also be used for miscellaneous non-judicial cases not relating to other cases [paragraph 317(g)] Columns 1 to 6 will be filled up in the Court and other columns in the record room.

[PRINTED]

FORM No 43.

List of Miscellaneous Judicial cases relating to other cases disposed of in the Court of
19 .
month of
in the

[Paragraph 331, Oudh Civil Digest]

Serial No	Date of disposal	Number of case	Names of parties	Nature of case	Other cases to which miscellaneous case relates				Number of papers on record	Wedding			Record with which miscellaneous case is put up			Remarks
					Of what Court	Class	Number	Date of disposal		Date of destruction of file			Class and number	Date of disposal	Date of putting up	
1	2	3	4	6	6	7	8	9	10	D	C	B	14	15	16	17

This form will also be used for miscellaneous non judicial cases relating to other cases [paragraph 317 (f)] Columns 1 to 10 will be filled up in the Court and other columns in the record room
 If the other case, to be described in columns 6 to 9, be an execution case [paragraph 317 (e)] the class, number and date of disposal of the original case with which the execution case is connected should also be specified.

[PRINTED]

FORM No. 44.

List of registers, books and papers transmitted to record room.

[Paragraph 345, Oath Civil Digest]

Number	Description of register, book or paper	Order by which prescribed	Period of retention in record room	Year to which the books or papers relate	Number of books or papers	Date of receipt in record room	Date of destruction
1	2	3	4	5	6	7	8

[PRINTED]

List of Miscellaneous Judicial cases relating to other cases disposed of in the Court of _____ of _____ in the _____ month of _____ 19__.

[Paragraph 331, Oudh Civil Digest]

Serial No	Date of disposal	Number of case	Names of parties	Nature of case	Other cases to which miscellaneous case relates				Number of papers on record	Winding			Record with which miscellaneous case is put up			Remarks
					Of what Court	Class	Number	Date of disposal		Date of destruction of file			Class and number	Date of disposal	Date of putting up	
										B	C	D				
1	3	3	4	6	6	7	8	9	10	11	12	13	14	15	16	17

This form will also be used for miscellaneous cases.

This form will also be used for miscellaneous non judicial cases relating to other cases [paragraph 317 (f)] Columns 1 to 10 will be filled up in the Court and other columns in this record room
 If the other case, to be described in columns 6 to 9, be an execution case [paragraph 317 (c)] the class, number and date of disposal of the original case with which the execution case is connected should also be specified
 [PRINTED]

FORM No: 44.

List of registers, books and papers transmitted to record room.

[Paragraph 345, Oudh Civil Digest.]

Number	Description of register, book or paper.	Order by which prescribed	Period of retention in record room.	Year to which the books or papers relate	Number of books or papers	Date of receipt in record room	Date of destruction
1	2	3	4	5	6	7	8

[PRINTED]

FORM No 15.

Invoice.

[Paragraph 334, Oudh Civil Digest]

[illegible]

I, Record Keeper, acknowledge that I, on the _____ day of _____, 19____, received from the Court of the _____ the records mentioned in the above form, and certify that the number of records of each class above specified corresponds with the records of each class shown in the lists accompanying the bundles and with those of each class actually received.

Dated the _____ 19____

Chief Ministerial Officer of the Court

19
Note—On return, this invoice is to be pasted on to the counterfoil.
Record Keeper.

Jan 120

Serial number

Date of Dispatch

[illegible]

Must show records retained

[P. 147ED]

FORM No. 46

Application for copies.

[Paragraph 392, Oudh Civil Digest]

The following shall be the scale of charges for copies —

		Judgment, order or deposition		Decree	Any other paper, ex- cept a book, regis- ter, map or plan, or any ex- tract thereof
		Not ex- ceeding 50 words	Exceed- ing 50 words		
		Rs a p	Rs a p	Rs a p	Rs a p
(1) In the Court of the Judicial Commissioner of Oudh	Ordinary copy	1 0 0	2 0 0	1 8 0	1 8 0
	Urgent copy	2 0 0	4 0 0	3 0 0	3 0 0
(2) In the Court of a District Judge, Subordinate Judge or Munsif	Ordinary copy	0 8 0	0 12 0	0 8 0	0 8 0
	Urgent copy	1 0 0	1 8 0	1 0 0	1 0 0
(3) In a Court of Small Causes	Ordinary copy	0 4 0	0 8 0	0 4 0	0 4 0
	Urgent copy	0 8 0	1 0 0	0 8 0	0 8 0

Provisionally, the charge for a copy of a judgment, order or deposition laid before the Registrar in the Court of the Judicial Commissioner, or the presiding officer in other Courts, and he shall decide what charge shall be made for such copy.

In the case of books, registers, maps, or plans, or extracts thereof, no general rules can be laid down. In each case a charge shall be fixed by the Registrar in the Court of the Judicial Commissioner, and by the presiding officer in other Courts, with reference to the quantity, difficulty or intricacy of the work to be done.

Instructions to applicant.—Fill up the form as accurately as you can.

One anna Court fee stamp

Application for copies

In the Court of the

of

... ..

versus

Plaintiff
Appellant

... ..

Defendant
Respondent

To

THE MUNSARIM.

Please grant me one certified copy of each of the documents named in the following list, for which I tender herewith copying sheets to the value of rupees , annas and in number.—

The application is $\frac{\text{ordinary}}{\text{urgent}}$. I $\frac{\text{am}}{\text{am not}}$ a party to the suit.

Register number and year of suit and name of Court.	Names of parties	Date of final decree or order, if passed.	Description of document of which copy is wanted.	Object for which copy is required, or ground upon which application should be granted.
1	2	3	4	5

Signature of applicant.

N. B.—If the application be sent by post the following particulars should be noted:—

- (1) Applicant's address in full.
- (2) Whether he desires the copy to be sent by post service unpaid, or whether he will attend in person to receive it.

[PRINTED.]

FORM No 47.

Estimate for copy of book, register, map or plan, or any extract thereof.
 [Paragraph 390, Oudh Civil Digest.]

Serial number of application	Date of application	Name of applicant.	Register number and year of suit	Names of parties	Description of book, register, map or plan, or any extract thereof to be copied.	Amount of estimate sanctioned	Signature of the Judge	Remarks.
1	2	3	4	5	6	7	8	9
						Rs. a p		

[PRINTED]

FORM No. 48

Notice

[Paragraph 415, Oudh Civil Digest]

It is hereby notified that the following copies are ready for delivery —

Date of notice.	Name of applicant	Description of copy ready	Notes and signature of Munshiram
1	2	3	4

[PRINTED]

FORM No 49.

Register of applications for copies in the Court of the of for the year 19 .

[Paragraph 379, Oudh Civil Digest]

Daily serial number	Date of application and order	Name of applicant	Paper of which copy was applied for	Record containing paper of which copy was applied for	Fee charged and paid in stamped paper	Date and hour when record was received by Head Copyist	Date and hour on which record was returned by Head Copyist	Date on which notice that copy was ready was posted on the notice board	Date on which delivery was made	Name of copyist	Signature of recipient of copy	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

[NOT PRINTED]

FORM No 50

Register to be kept up by copyists, showing the applications and records received for copy

[Paragraph 407, Oudh Civil Digest]

1	2	Number and detail of stamps filed and used				7	8	9	10
		Stamped folios		General stamp sheets, if any					
		No	Value	No	Value				

Note 1—In columns 3 to 6 the number of stamps filed should be written in black and the number of stamps used should be written in red ink as denominator, and

" 2—The entry in column 7 also should be made similarly
[NOT PRINTED]

FORM No 51.

Copying Department Despatch Book.

[Paragraph 404, Oudh Civil Digest]

*Despatch Book of the Court of
of the Head Copyist of*

Date and hour of despatch	Description of paper	Name of addressee	Signature of addressee, with date and hour of receipt
1	2	3	4

[NOT PRINTED]

FORM No 52.

Application for an order for the ordinary inspection of the record in
 [Paragraph 424, Oudh Civil Digest.]

IN THE COURT OF

Description of case.	Number.	Year
1	2	3

Date
 [PRINTED]

Counsel or Wakil.

FORM No. 53.

Inspection Register.

[Paragraph 432, Oudh Civil Digest.]

Daily number and date of order for inspection	Name of person who inspected	Record, book or register inspected	Date of receipt and return of record, book or register	Number and value of stamped paper on which order of inspection is made	Signature of official in charge of record in verification of entry in column 4	Remarks.
1	2	3	4	5	6	7

[NOT PRINTED]

FORM No. 54.

Annual Statement showing the number of officers exercising original or appellate jurisdiction in the district on 31st December 19 .

To be rendered annually by Sessions Judges, Deputy Commissioners, District Judges and Judges of S. C. Courts.
[Paragraph 524, Oudh Civil Digest.]

1	2	3	4	5	6	7	8	9	*10
Detail of Courts	Total number of officers exercising original or appellate jurisdiction.				Total number of cases decided				Remarks.
	Judges of other Courts superior to Chief District Court (a)	Judges of Chief Courts of Districts (b)	Judges of District Courts other than Chief Courts (c)	Judges of other Subordinate Courts (d)	Appeals				
					Original				
					Regular	Miscellaneous	Regular.	Miscellaneous.	
Column in Imperial return	8	9	10	11	12	13	14	15	16
Civil									
Rent									
Criminal									

Examined by

(a) Sessions Judges
(b) Deputy Commissioners, District Judges
(c) Subordinate Judges, Assistant Commissioners; Deputy Magistrates
(d) Cantonment Magistrates, City Magistrates; Judges, S. C. Court; Honorary Magistrate and Special Magistrates*, Munshi, Ashaidara.

* Name to be given on back of this return.

Munshi's Signature

Designation

Station

Dated

[PRINTED]

FORM No. 57.

Annual Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the
for the year 19 . . .

[Paragraph 524, Oudh Civil Digest.]

[illegible]

STATION-

Dated the _____ 19

[PRINTED]

Examined by

DISCUSSION

Judge

NOTES.

Notes 1.—In this statement only those plaints that have been registered should be shown. If the plaint is returned or rejected before registration it should not find entry in the statement. If an appeal against an order rejecting a registered plaint is granted, the plaint should be shown over again in the statement.

Note 2—Column 8—Total of the entries in columns 9 to 20 and 22. Cases transferred from one Court to another in the same district will appear only against the Court by which decided or in which pending at the close of the year, if not decided. The number of cases pending from the preceding year when deducted from the total of column 8 should leave a balance corresponding with the total of columns 3 to 7 and 9. If after deducting the arrears shown at the end of the previous year the balance does not agree with the figures in column 11 of Statement 55, the difference should be explained.

Notes 3—Column 14—When under OIX, r 8, Civil Procedure Code, a decree is wholly or partially made in favour of an absent plaintiff on the admission of the defendant, the case should be entered in this column.

Note 4—Column 10—In a case in which the defendant is the plaintiff, the case is

the presentation of the institution, unless admission after amendment. In calculating average cost the suit has been actually pending in the particular Court should alone be calculated. The interval should be omitted during which an application for review which has been granted or an appeal in which an order of remand has been passed, has been pending in the superior Court. Revised suits are to be treated as if newly instituted on a revival.

[illegible]

FORM No. 58.

Annual Statement showing the general result of the trial of miscellaneous judicial cases in the Courts of criminal jurisdiction in the for the year 19 .

Paragraph 521, Oudh Civil Digest.]

[illegible]

Date	Title	No.	Judge
	Note 1 - The instructions under return No. 67 apply here also. The cases to be accounted for in this statement are detailed on the back of it and no addition should be made to the list without the Judicial Commission's sanction. To column 3 of this return a note should be appended showing number of applications for permission to sue as paper filed and number admitted.	10	
	Note 2 - Remissions received from other Courts should be shown in column 10		
	Note 3 - Cases & Totals of the various columns 0 to 9 and 22. Cases transferred from one Court to another in the same district will appear only against the Court by which decided, or in which pending at the close of the year if not decided.		

List of miscellaneous cases to be accounted for in annual statement (Form 55).

1. Orders rejecting or returning plaints or memoranda of appeal.
2. Applications under sections 22 and 24 of Act V of 1908, to transfer a suit pending in a subordinate Court.
3. Applications to an appellate Court to withdraw or transfer an appeal, section 21.
4. Applications under O. IX, r. 4, O. IX, r. 9, O. IX, r. 13, O. XLI, r. 19, and O. XLI, r. 21, for the restoration to the file of a suit or appeal dismissed on default or decreed *ex parte*.
5. Miscellaneous criminal proceedings under O. XVI, rr. 12 and 17 of Act V of 1908, and sections 195, 476, 478 and 480 of Act V of 1898.
6. Cases under section 47 and O. XXI, r. 16 of Act V of 1908.
7. Inquiries under O. XXI, r. 2, on application of judgment-debtor, as to payment to decree-holder.
8. Claims to, and objections to the attachment of attached property under O. XXI, r. 55, and O. XXXVIII, r. 8.
9. Applications under O. XXI, r. 66, by lien-holders to notify their incumbrances not ascertainable through the registration and Collector's offices.
10. Proceedings under O. XXI, r. 72.
11. Applications under O. XXI, rr. 90-93.
12. Applications for delivery of possession under O. XXI, rr. 95 and 96.
13. References by Collectors under Schedule III, paragraph 5.
14. Complaints under O. XXI, r. 97, by decree-holder or purchaser, of resistance to possession being given.
15. Applications under O. XXI, r. 100.
16. Applications under the Provincial Insolvency Act, III of 1907, section 5.
17. Applications by creditors under section 24 of Act III of 1907.
18. Commissions under O. XXVI, r. 4, for the examination of witnesses received from other Courts and executed by the Court.
19. Applications under O. XXXIII, r. 2, for permission to sue *in forma pauperis*.
20. Applications for re-admission or re-hearing of an appeal, O. XLI, rr. 19 and 21.
21. Applications for leave to appeal as a pauper, O. XLIV, r. 1.
22. Applications under O. XLVII, r. 1, for review of judgment.
23. Cases regarding the property of deceased persons.
24. Applications under Act XXX of 1911.
25. Applications regarding the estate of lunatics' estates and the guardianship of their persons under Act XXXV of 1856.
26. Uncontested applications for probate under Act X of 1865.
27. Uncontested applications for letters of administration under Act X of 1865.
28. Cases under section 14 of Act XVIII of 1870.
29. Applications under section 1 of Act IV of 1882 by mortgagor to deposit the key due on a mortgage.
30. Applications for certificates under Act VII of 1883.
31. Applications under Act VIII of 1883.
32. Cases relating to rights under the Land Acquisition Act.
33. Applications under section 12 of Act V of 1908.
34. Applications for review under section 73 of U.P. Act II of 1902.

FORM No 59
Annual statement showing the business of the Civil Appellate
Courts of the in the year 19 .
Civil Appeals from decrees

[Paragraph 524, Oudh Civil Digest]

Names of officers and classes of Courts	Appeals remaining from last		Instituted in	Received by transfer from other Courts	Remands under O XLI, r 23, Act V of 1908	Reviews under O XLVII, r 4 Act V of 1908	Heard as <i>parte</i>	Contested	Total disposed of omitting transfers	Average duration of appeals in column 20	Objections under O XLI, r 22, Act V of 1908	Number of appeals below the 100 in value in which pleaders' fees were awarded	Value of smallest appeal in which an award	Average number of adjournments	Date of oldest pending appeal			
	20	21																
Provincial 1	1	0	5	4	5	0	7	6	10	11	17, O XLI, r 19, Act V of 1908, or otherwise not prosecuted.	12	13	14	15	16	17	18
Imperial 1	1	3	0	0	10	0	0	0	0	0	17, O XLI, r 19, Act V of 1908, or otherwise not prosecuted.	12	13	14	15	16	17	18
Grand total		3	5	4	15	0	7	6	10	11	17, O XLI, r 19, Act V of 1908, or otherwise not prosecuted.	12	13	14	15	16	17	18

STATION-

Examined by

Dated (1) _____ 19____

DEPARTMENT OF THE ARMY

Judas

Notes 1 —Column 8.—The instructions under statement in Form 57 relating to the trial of culps apply *mutatis mutandis* to this and the next statement. Cases referred under O XII r 25 Code of Civil Procedure, should be shown as pending in the Court making the reference, which should invariably fix dates for the return of such references

Notes—Total of the entries in columns D to H and 21 Cases transferred from one Court to another in the same district will appear only a gainet the Court by which decided, or in which pending at the close of the year if not decided

[PRINTED]

[PRINTED]

FORM No. 61.

Annual statement showing the result of proceedings on applications for the execution of the decrees and orders of the Courts in the during the year 10 .

[Paragraph 524, Oudh Civil Digest.]

Classes of Courts and names of officers.	Applications to execute decrees.		Applications disposed of.			Amount realized.		Number of applications.										Wholly satisfied.	Date of next period for applications in each Court.										
	Remaining from last year.	Filed or settled.	Total number of decrees before the Courts.	By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly satisfactory, see columns 25 and 26.	Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	On which the terms of process.		Without the terms of process.	On which the judgment-debtor was imprisoned.	On which he was arrested but released, without imprisonment.	On which property—		On which immovable property—		On which movable property—		On which specific performance was refused.	On which partition was ordered.	On which division was ordered.	From debt of decree-holder.	From other sources.	If less number of applications.	Average number of cases under Act 10 of 1859.	Value of cases under Act 10 of 1859.	Value of cases under Act 10 of 1859.
										Was sold.	Was attached but not sold.				Was sold.	Was attached but not sold.			Of immovable.	Of movable.									
Provincial 1	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Imperial 1	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
Total	5	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50	52	54	56	58	60	

Examined by

Signature

Dated the 10

Magistrate.

Judge.

Note 1.—Column 3.—“Filed” should also include oral applications under O. XXI, r. 11 (1), Code of Civil Procedure, proceedings under section 52, and O. XXI, r. 6 simply for the transfer of decrees or orders to other Courts are not applications for execution, and should not be shown by the Court to which the decree has been transferred in column 3 of the statement, until an application has been filed under O. XXI, r. 10, Code of Civil Procedure. It should be distinctly remembered that this statement relates to applications for execution of decrees, and in columns 6, 7 and 8 the result of each application should therefor be accounted for, e.g. if the object for which the application was made has been wholly attained, it should be returned as completely satisfied; if not wholly attained, then as partially satisfied; and if wholly unsatisfactory, in column 8.

2.—The entries in columns 13 to 20 may not agree with those in columns 5 to 8, as it often happens that one application involves more than one decree, e.g. for issue of warrant of attachment and for arrest simultaneously (O. XXI, r. 24, Code of Civil Procedure); in such cases the application will have to be entered twice under the former group, while under the latter it will be returned only once.

[PRINTED]

FORM No 62.

Annual statement showing the number and result of applications and proceedings in insolvency under Act III of 1907 in the during the year 19 .

[Paragraph 524, Oudh Civil Digest]

Classes of Courts and names of officers	Application for a declaration of insolvency																	
	Remaining from last year	Filed during the year	Total number of applications	Transferred to other provinces, withdrawn, &c.	Granted		Rejected				Pending at the close of the year	Number of insolvents discharged during the year under section 41	Number of insolvents' estates in hands of receivers in which proceedings were finally closed during the year	Amount of creditors' claims dealt with during the year		Gross amount of insolvents' assets realized and disbursed		Date of oldest pending case
					A receiver being appointed	A receiver not being appointed	Final process taken under section 43	Sentence of imprisonment being passed under section 43	Applicant being sent to the Magistrate to be dealt with	Admitted				Satisfied	Realized during the year	Disbursed during the year		
Provincial 1	12	3	4	5	0	7	8	9	10	11	12	13	14	15	16	17	18	10
Imperial 1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16
Grand Total																		

State of

Examined by

Total 10

Minimum

Notes 1.—Total of the entries in columns 5 to 11. Cases transferred from one Court to another in the same province will appear only against the Court by which decided, or in which pending at the close of the year if not decided.
 Column 5.—Applications struck off for default or otherwise not presented should be entered in this column.
 Column 14.—In a column (imperial 13) is intended to show the amount of creditors' claims satisfied during the year, whether they were admitted during or prior to the year.
 Column 15 and 16.—These columns (imperial 14 and 15) refer to the gross amount of insolvents' assets realized and disbursed during the year, with reference not only to the year submitted but also to those admitted in previous years.
 Note 2.—Statement in Form 62. To be returned annually by District Courts. But if any officers are hereafter specially invested under the Provincial Insolvency Act, III of 1907, then their cases also should be entered in this statement.

[PRINTED]

Annual statement showing use of Juries and Assessors in the Civil and Criminal (Sessions) Courts of
 [Paragraph 521, Oudh Civil Digest.]

Classes of Courts, distinguishing Civil from Criminal	Established or average number of Juries or assessors in each case and prescribed qualification	Number of cases tried by jury	Number of cases with assessors	Jury trials			Assessors' trials.		
				Cases in which the Judge is not supported by the verdict of the jury	Cases in which the Judge is approved of the verdict	Cases in which the Judge is wholly or partially referred to the jury	Number of persons of the verdict in respect to whom the Judge is dissatisfied	Number of cases in which the Judge is referred to the jury	Number of cases in which the Judge is referred to the jury
				Wholly	Partially	Wholly referred to the jury	Wholly referred to the jury	Wholly referred to the jury	Wholly referred to the jury
I - Civil Courts									
Chief Court of District (for officer specially empowered) acting under Act I of 1864									
Assessors									
II - Criminal Courts									
Magistrates' Courts under Chap. XI, Criminal Procedure Code.									
Jurors									
Jurors									
Assessors									
Total									

Examined by

Menserie

Judge.

Note.—This return showing the use of assessors, shall be rendered annually by District Judges when any cases are decided under Act I of 1894.

[PRINTED]

FORM No. 64.

Annual statement showing the general result of the trial of suits in the Courts of Village Munsifs in the district during 19 .

[Paragraph 521, Oudh Civil Digest]

Name of Village Munsif	Number of suits before the Court				Number of suits disposed of -										Number of suits			Remarks	20
	Pending from last year	Instituted	Revised under sections 30 and 31	Total for disposal	Without trial			Without contest				With contest		Total of columns 6 to 16, disposed of (omitting transfers)	Pending at the close of the year	Pending more than two months at the close of the year			
					Transferred by the Court, section 18	Plaint rejected, section 22	Plaint withdrawn, section 34	Suits dismissed, section 69	Decreed ex parte, section 27	Dismissed ex parte, section 28	Decreed on confession, sections 29 and 33	Compromised, section 33	Settled by oath, section 35	Judgment for plaintiff in whole or in part	Judgment for defendant				
1																			

Examined by

Station _____

Dated the _____ 19 .

[PRINTED]

U P Act III of 1892.

Munsarim

Judge

FORM NO 65.
Annual statement showing the number and description of suits instituted in the Courts of Village Munsifs in the district during 19 .
 [Paragraph 524, Oudh Civil Digest.]

Name of Village Munsif	Written contract	Oral contract	On accounts stated	For price of goods sold	For wages, work and materials	For rent of houses	For moveable property or its value	For damages	Other suits for money or moveables	Remarks
1	2	3	4	5	6	7	8	9	10	11

Station _____ Examined by _____

Dated the _____ 19 }

[PRINTED]

Judge

FORM NO 66

Annual statement showing the number and value of suits instituted in the Courts of Village Munsifs in the district during 19 .
 [Paragraph 524, Oudh Civil Digest.]

Name of Village Munsif	Not exceeding Rs. 10	Not exceeding Rs. 20	Not exceeding Rs. 50	Not exceeding Rs. 100	Not exceeding Rs. 200	Total	Remarks
1	2	3	4	5	6	7	8

Station _____ }
 Dated the _____ 19 .
 [PRINTED]

Examined by
 Mansuram

Judge

FORM No. 64.

Annual statement showing the general result of the trial of suits in the Courts of Village Munsifs in the district during 19 .

[Paragraph 524, Oudh Civil Digest]

Name of Village Munsif	Number of suits before the Court				Number of suits disposed of—										Number of suits		Remarks		
	Pending from last year	Instituted	Revised under sections 30 and 31	Total for disposal	Without trial				Without contest				With contest		Pending at the close of the year	Pending more than two months at the close of the year			
1	2	3	4	5	Transferred by District Munsif to his own Court, section 18	Plaint rejected section 22	Plaint withdrawn, section 34	Suits dismissed, section 69	Decreed <i>ex parte</i> , section 27	Dismissed <i>ex parte</i> , section 28	Decreed on confession, sections 29 and 33	Compromised, section 33	Settled by oath, section 35	Judgment for plaintiff in whole or in part	Judgment for defendant	17	18	19	20

Station

Date of the

[PRINTED]

Examined by

Munsif

U P. Act III of 1892.

Judge

FORM No 65.
Annual statement showing the number and description of suits instituted in the Courts of Village
Munsifs in the district during 19 .

[Paragraph 524, Oudh Civil Digest.]

Name of Village Munsif	Written contract.	Oral contract.	On accounts stated.	For police of goods sold.	For wages, work and materials.	For rent of houses.	For mortgage property or its value.	For damages.	Other suits for money or moveables.	Remarks
1	2	3	4	5	6	7	8	9	10	11

STATION _____ Examined by _____ Judge

Dated the _____ 19 _____
[PRINTED]

FORM No 66
Annual statement showing the number and value of suits instituted in the Courts of Village Munsifs in the
district during 19 .

[Paragraph 524, Oudh Civil Digest.]

Name of Village Munsif	Not exceeding Rs 10	Not exceeding Rs 20	Not exceeding Rs 50	Not exceeding Rs 100	Not exceeding Rs 200	Total	Remarks
1	2	3	4	5	6	7	8

STATION _____ Examined by _____ Judge
Dated the _____ 19 .

[PRINTED]

FORM No. 67.

Annual statement showing the result of applications for revision under section 73, Village Courts Act, 1892 (U. P. Act III of 1892) in the Court of the District Judge of _____ during the year 19 ____.

[Paragraph 521, Oudh Civil Digest.]

Total number of applications before the Courts	Number of applications rejected	Dismissed for default or otherwise not prosecuted	Hear & parts				Contested				Of those pending more than three months	Average duration of the application.
			Confirmed	Modified	Reversed	Remanded	Confirmed	Modified	Reversed	Remanded		
1	2	3	4	5	6	7	8	9	10	11	12	13
												14

Station _____ Examined by _____ Judge.
 Dated this _____ 19 ____

[PRINTED.]

FORM No 68

Annual statement showing estimate of process servers required for the Court of _____ for the year 19 ____.

[Paragraph 521, Oudh Civil Digest.]

District	Number of summonses issued in the last three years	Number of warrants issued and multiplied by 2 under paragraph 167, rule VI	Total of columns 2 and 3	Average number of processers per annum calculated by accepting the figures of the lowest month in each year, and calculating each warrant as equal to two summonses	Average number of processers per annum calculated by accepting the figures of the lowest month in each year, and calculating each warrant as equal to two summonses	Number of servers admissible under paragraph 167, rule IV and VII, calculated on the number of processers required to be served as shown in column 6	Number of servers asked for by District Judge	Remarks.
1	2	3	4	5	6	7	8	9

Station _____ Examined by _____ Judge.
 Dated this _____ 19 ____
 [PRINTED.]

Masooria.

TORN No. 68.
*Annual statement showing Probates, Letters of Administration and Succession Certificates issued in the
 judgship during the financial year 19*
 [Paragraph 536 (a), Oudh Civil Digest]

Declared value of assets	Number of probates, or letters of administration with will annexed.	Fees, article 11, schedule 1, Court Fees Act	Number of letters of administration with out will annexed	Fees, article 11, schedule 1, Court Fees Act, as amended by section 13, Act VII of 1889	Number of certificates under Act VII of 1889	Fees at 3 per cent, article 12 schedule 1, Court Fees Act, as amended by section 13, Act VII of 1889	Number of certificates extended under section 10, Succession Certificate Act	Fees at 3 per cent article 12, schedule 1, Court Fees Act, as amended by section 13, Act VII of 1889	Total
1	2	3	4	5	6	7	8	9	10
Up to Rs 1,000	..								
From Rs 1,000 to 5,000	..								
From Rs 5,000 to 10,000	..								
From Rs 10,000 to 50,000	..								
From Rs 50,000 to 1,00,000	..								
Above Rs 1,00,000	..								
Total									

STATION

Dated the _____ 19 _____.

Examined by

[PRINTED]

Muzaffar.

Judge.

FORM No. 70.
Judgeship during the ending

Statement showing receipts on account of in the
[Paragraphs 536 (a) and 537, Oudh Civil Digest.]

Name of Judgeship.	Names of Courts.	Detail of months	Remarks.

Examined by

Judge.

Menzarim.

Noted the _____ 19 . }
This form will be used for (a) annual statement showing receipts of sale proceeds of (1) unclaimed escheated property, and (2) of property forfeited [paragraph 536 (a)], and (b) for the half-yearly statement showing receipts on account of sale commission fees (paragraph 537).

[PRINTED]

FORM No. 71.

Quarterly statement showing grants of Probate or Administration made in estates of all persons of European extraction, whether British subjects or not, by the District Court of _____ in the Province of Outh, during the quarter ending 19 .

[Paragraph 539, Outh Civil Digest]

Index letter	Name and description of testator or in estate	Date of death	Place of death	Nature and extent of grant	Date of grant	Amount or value of estate	Name and description of applicant	Remarks

Examined by

Magistrate.

District Judge

19 . }
 I certify that
 [PRINTED]

FORM No 72

Quarterly statement showing the progress made in weeding in the record rooms in the Judgeship, during the quarter ending 19 .

[Paragraph 538, Oudh Civil Digest.]

Class of records	Description of papers records and registers to be weeded	District Judge a record room †				Subordinate Judge's record room				Remarks				
		Due for destruction		Weeded during the year		Remaining		Due for destruction			Weeded during the year		Remaining	
		Year	Number	Year of which weeded	Number	Year	Number	Year	Number		Year of which weeded	Number	Year	Number
1	B			4		5		6		7		8		
Register	{ File B paragraph 311, 20 years File C paragraph 314, 12 years File D paragraph 314, 3 years File E, paragraph 314, 1 year													
Small Cause Court	{ File C paragraph 311, 12 years File D, paragraph 314, 3 years													
High Court, books, &c.	{ Other papers, paragraph 350 Registers, file books, &c., paragraph 350													

Station.

Examined by

Judge -

Measuram

Dated the 19

1. File B shall include such papers of File A (old system) as are File B under new system

2. File C shall include such papers of File A (old system) as are File C under new system

3. When there are two record rooms, the information should be given separately for each in this statement

4. In column 9 should be noted the number of temporary weedeers who worked during the quarter

5. In column 10 should be noted the number of temporary weedeers who worked during the quarter

6. In column 11 should be noted the number of temporary weedeers who worked during the quarter

7. In column 12 should be noted the number of temporary weedeers who worked during the quarter

8. In column 13 should be noted the number of temporary weedeers who worked during the quarter

different papers after which they will be destroyed

[PRINTED]

it is not necessary to note the

FORM No. 73. *Quarterly statement.—Explanations of original suits pending more than six months in the Court of the* at the *close of the month of* 19 .

[Paragraph 540, Oudh Civil Digest.]

Serial No. of the case and name of presiding officer of the Court.	Date of institution.	Date fixed for settlement of issues.	Date when issues were fixed.	Adjournments granted, if any, and for what reasons.	Date fixed for final hearing.	Dates on which hearings commenced.	Adjournment subsequent to date of column 6, and for what reasons.	Precedings of parties in pursuance of column 8.	Date of attendance of witnesses.		Date to which now adjourned and reasons.	Remarks.	Order of superior Court.
									For plaintiff.	For defendant.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Station— }
 Dated the 19 . }
 [PRINTED]

Examined by

66

Judge.

Master-in.

FORM No. 74.

Quarterly statement.—Explanations of execution cases pending more than one year in the Court of the at the *close of the month of* 19 .

[Paragraph 540, Oudh Civil Digest.]

Date of application and name of presiding officer.	Mode in which execution is sought for.	Nature of orders passed and date.	What process issued and when.	Date of execution of successful process.	Reasons for such process being unsuccessful.	Date of application for time by either party with reasons thereof and whether granted or not.	For what reasons now pending.	Remarks.	Order of superior Court.
1	2	3	4	5	6	7	8	9	10

Station— }
 Dated the 19 . }
 [PRINTED]

Examined by

Judge.

Master-in.

FORM No. 75.

Monthly statement showing the work done by the District Judge of
during the month of 19 .

[Paragraph 542, Oudh Civil Digest.]

Month.	Name of Judge.	Instituted during the month.				Decided during the month.				Pending at the end of the month.				Pending over six months.				Notes.
		Regular suits.	Miscellaneous.	Civil appeals.	Rent appeals.	Regular suits.	Miscellaneous.	Civil appeals.	Rent appeals.	Regular suits.	Miscellaneous.	Civil appeals.	Rent appeals.	Regular suits.	Miscellaneous.	Civil appeals.	Rent appeals.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

STATION _____ }
Dated the _____ 19 . }

Examined by _____
Munsif, Judge.

[PRINTED]

FORM No. 76.

Monthly statement showing the work done by the Subordinate Judge,
of during the month of 19 .

[Paragraph 542, Oudh Civil Digest.]

Month	Name of Sub-Judge	Instituted during the month.			Decided during the month			Decided, contested			Pending at the end of the month			Pending over six months			Notes.
		Regular suits	Small Cause Court suits.	Appeals	Regular suits.	Small Cause Court suits	Appeals	Regular suits	Small Cause Court suits	Appeals	Regular suits	Small Cause Court suits	Appeals.	Regular suits.	Appeals	Small Cause Court suits pending over two months.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	

STATION _____ }
Dated the _____ 19 . }

Examined by _____
Munsif, Sub-Judge.

[PRINTED]

FORM No 77

Monthly statement showing the work done by the *Munsif* of during the month of 19 .
[Paragraph 512, Oudh Civil Digest]

Month	Name of <i>Munsif</i>	Suits instituted during the month		Suits decided during the month		Suits decided, contested		Suits pending at the end of the month		Regular suits pending over six months	Small Cause Court suits pending over two months	Notes
		Regular	Small Cause	Regular	Small Cause	Regular	Small Cause	Regular	Small Cause			
1	2	3	4	5	6	7	8	9	10	11	12	13

STATION _____ }
Dated the _____ 19 }
[PRINTED]

Examined by
Munsarim,
Munsif

FORM No. 78

Monthly statement showing the work done by the *Judge*, *Small Cause Court* (proper), during the month of 19 .
[Paragraph 512, Oudh Civil Digest]

Month	Name of Judge	Small Cause Court suits					Notes
		Instituted during the month	Decided during the month	Contested decided	Pending at the end of the month	Pending over two months	
1	2	3	4	5	6	7	8

Examined by
Munsarim
Judge, Small Cause Court

STATION _____ }
Dated the _____ 19 }
[PRINTED]

FORM No 80

Register of requisitions for records received in the Court of
[Paragraph 357, Oudh Civil Digest]

Date of receipt of requisition	Date of requisition	Name of Court sending for record	Particulars of record					Date by which record is required	Date of transmission of record	Date of return of record	Date of restoration of record to bundle	Remarks
			Of what Court	Register number of case and date of institution	Names of parties	Class	Date of disposal					
1	2	3	4	5	6	7	8	9	10	11	12	13

Note—This form shall be used by the Registrar and Record Keeper

[18/11/1914]

FORM No 81

Form of requisition for records from Civil Courts.

[Paragraph 353, Oudh Civil Digest]

In the Court of _____ of _____
 CIVIL. No. OF 19 . _____, PLAINTIFF,
 _____ versus _____, DEFENDANT.

To

Sir—Be good enough to transmit to this Court the record specified below —

Dated

19

Presiding Judge

Of what Court	Particulars of record sent for				Date by which record is required	Mode of transmission ^a	Order of Presiding Judge to whom requisition is sent	Remarks
	Register number and date of institution of original suit or in the case of an appeal from a Court of Revenue to a Civil Court, the register number of appeal and date of presentation	Names of parties	Class	Date of disposal				
1	2	3	4	5	6	7	8	9

^a Here enter whether the record is to be sent "Service Bearing" or at the cost of Government.

[PRINTED]

FORM No 82

Form for transmission of record.

[Paragraph 351, Oudh Civil Digest.]

Name of Court sending for record	Case for purposes of which record is required		Particulars of record sent for				Date of requisition	Date of transmission of record	Date of receipt of record.	Date of order for return of record	Date of return of record	Remarks	
	Number.	Names of parties	Of what Court	Register number and date of institution of original suit, or in the case of an appeal from a Court of Revenue to a Civil Court, the register number of appeal and date of presentation	Names of parties	Class.							Date of disposal
1	2	3	4	5	6	7	8	9	10	11	12	13	14

[PRINTED]

FORM No. 83.
Form of requisition for records from Revenue Courts.

[Paragraph 353, Oudh Civil Digest.]
 In the Court of _____ of _____
 CIVIL No. _____ OF 19 _____, PLAINTIFF,
 _____ *versus* _____, DEFENDANT.

To

Sir,—Be good enough to transmit to this Court the record specified below:—

Dated

19 .

Presiding Judge.

Of what Court.	Particulars of record sent for				Date by which record is required.	Mode of transmission *	Order of presiding officer to whom requisition is sent	Remarks
	Names of parties	Mause	Pargana.	Description of suit or application with reference to section, &c., under which instituted.				
1	2	3	4	5	6	7	8	9
								10

* Here enter whether the record is to be sent "Service Bearing" or at the cost of Government

[PRINTED]

FORM No. 81.

Inventory to be exhibited within six months from grant of Probate or Letters of Administration.

[Paragraph 231, Oudh Civil Digest.]

[illegible]

FORM No. 85.

Account to be exhibited within the year from grant of Probate or Letters of Administration.

[Paragraph 231, Oudh Civil Digest]

	Assets.				Application or disposal of assets.			
	Income from such property	Credits realised out of those entered in the inventory	Other assets or credits recovered or realised	Total assets which have come into the hands of executor or administrator up to date of filing the account	Debts paid out of those entered in the inventory.	Legacies paid out of those entered in the inventory	Other payments made	Total payments
1	2	3	4	5	6	7	8	9

[PRINTED]

FORM No. 86.
File Index.

[Paragraph 447, Oudh Civil Digest.]

Head	No. of file	Date of closing letter.	Subject.	Number of letters in file originally	Number weeded under paragraph 465.	Date of destruction	Remarks.
1	2	3	4	5	6	7	8

FORM No. 87.
Statement of moveable property remaining in the custody of the Nazir of the Court of
the month of 10 .

[Paragraph 297, Oudh Civil Digest.]

No. of number	Date of receipt	Date of order of Court	Names of parties	Description of property.	Name of reputed owner.	Why property was not disposed of during the week.
1	2	3	4	5	6	7

Refund of Stamp Certificate

[Paragraph 295, Oudh Civil Digest]

Part I													Part II													Part III																																																																						
Certificate for refund of court fees													Advice of refund or payment																																																																																			
Name of Court													Name of Court													Name of Court																																																																						
Number													Number													Number and date of certificate																																																																						
Date													Date													Date of refund or payment																																																																						
Name of person to whom the refund or payment should be made													Name of person to whom the refund or payment should be made													Name of person to whom the refund or payment should be made																																																																						
Amount													Amount													Amount																																																																						
To be refunded													To be refunded													Refunded																																																																						
To be paid													To be paid													Paid																																																																						
Remarks													Remarks													Remarks																																																																						
1	Number												1	Name of Court											1	Name of Court											2	Number and date of certificate											3	Amount											4	Date of refund or payment											5	Remarks											6	Remarks										
2	Date (being date of certificate being signed by presiding Judge)												2	Name of Court											2	Name of Court											3	Amount											4	Date of refund or payment											5	Remarks											6	Remarks																						
3	Number of case and names of parties												3	Name of person to whom the refund or payment should be made											3	Name of person to whom the refund or payment should be made											4	Amount											5	Date of refund or payment											6	Remarks											7	Remarks																						
4	Amount of fees paid into Court												4	To be refunded											4	To be refunded											5	Date of refund or payment											6	Remarks											7	Remarks																																		
5	Date of application for refund or payment												5	To be paid											5	To be paid											6	Remarks											7	Remarks																																														
6	Amount to be												6	Remarks											6	Remarks											7	Remarks																																																										
7	Amount to be												7	Remarks											7	Remarks											8	Remarks																																																										
8	Date of order directing refund or payment												8	Remarks											8	Remarks											9	Remarks																																																										
9	Date on which certificate is made over to payee												9	Remarks											9	Remarks											10	Remarks																																																										
10	Name of payee												10	Remarks											10	Remarks											11	Remarks																																																										
11	Signature of payee												11	Remarks											11	Remarks											12	Remarks																																																										
12	Signature of person, if any identifying payee												12	Remarks											12	Remarks											13	Remarks																																																										
13	Rule or section of Act under which refund or payment is to be made												13	Remarks											13	Remarks											14	Remarks																																																										
	(Initials of Presiding Judge)												14	Remarks											14	Remarks											15	Remarks																																																										

[PRINTED]

Presiding Judge

Officer in charge of Treasury
or Sub Treasury

FORM No. 89.

[Paragraph 459, Oudh Civil Digest.]

Department.

FROM

REGISTER No.

19 . .

No.

Dated

Received

Enclosures—

Replied to by No.

Dated

File No.

Serial No.

FILE HEADING.

ABSTRACT.

OFFICE NOTES AND ORDERS.

To—The Registrar, Judicial Commissioner's Court, Oudh,
Lucknow.

Sir,

[PRINTED.]

FORM No. 90.

Enclosure label.

[Paragraph 460, Oudh Civil Digest.]

TO ACCOMPANY

*No.**dated**19 . .**From*

*To Judl. Commissioner's Court,
Oudh, Lucknow.*

[PRINTED.]

FORM No. 91.

*Certificate of Travelling Allowance paid to Government Officials
by Court.*

[Paragraph 164, Oudh Civil Digest.]

IN THE COURT OF THE

CERTIFIED that

of _____ Office
 on _____ Department, attended this Court
 , 19 _____, to give evidence of facts, which
 came to his knowledge in his ^{public} _{private} capacity in the case noted below, and
 has been paid by me Rs. _____ as. _____ pies (on account
 of travelling allowance expenses Rs. _____ as. _____ pies
 and subsistence allowance Rs. _____ as. _____ pies) due
 under the rules of this Court :—

Number of case and year

Names of parties

Nature of claim

Signature of the Presiding Officer.

Designation

Station

Date

{PRINTED }

FORM No. 92.

Report of a periodical return being blank.

[Paragraph 544, Oudh Civil Digest.]

To
THE

(Here enter name of return.)

Prescribed date of submission.

Actual date of submission.

Received by

Submitted to Judicial Commissioner.

Received by ditto.

The return noted above is blank.

District

FORM No. 93.

Receipt slip to be granted for petitions.

پرچہ رسید جو درخواستوں کے لیے دینا چاہیے
[Paragraph 23, Oudh Civil Digest.]

Date of receipt and signature of official receiving petition, تاریخ رسید و دستخط اعلیٰ کار گزارندہ درخواست	Date fixed for hearing or abstract of order passed, تاریخ جو سماعت کے لیے مقرر کی گئی یا خلاصہ حکام	Court in which filed, عدالت جس میں داخل کی گئی	Abstract of petition with names of parties, خلاصہ درخواست مع نام فریقین	Name and address of petitioner, نام و پتہ سائل
5 0	4 ۲	3 ۳	2 ۲	1 1

Note.—First three columns to be filled in by petitioner.

یادداشت — سائل کو پہلے ۳ خانہ جات کی حاملہ پُر کرنی چاہیے

[PRINTED]

FORM No. 94.

*Insolvency petition.**General Title.*

[Paragraph 262, Oudh Civil Digest.]

IN THE COURT OF

INSOLVENCY PETITION No. OF 19 :

In the matter of

Ex parte (here insert "the debtor," or "A. B. or creditor," or "the Official Receiver," or "the Receiver").

[NOT PRINTED]

FORM No. 95.

Debtor's petition.

[Paragraph 262, Oudh Civil Digest.]

(Title.)

I, (a)

ordinarily residing at (or "carrying on business at," or "personally working for gain at," or "in custody at") , in consequence of the

(a) Insert name and address and description of debtor.

(b) State name of Court and particulars of decree in respect of which the order of detention has been made, or by which an order of attachment has been made against debtor's property.

(c) State whether, and how, any of the debts are secured.

order of (b) , being unable to pay my debts, hereby petition that I may be adjudged an insolvent. The total amount of all pecuniary claims against me is Rs. (c) as set out in detail

in Schedule A annexed herewith, which contains the names and residences of all my creditors, so far as they are known to, or can be ascertained by me. The amount and particulars of all my property are set out in Schedule B annexed

hereunto, together with a specification of all my property, not consisting of money, and the place or places at which such property is to be found; and I hereby declare that I am willing to place all such property at the disposal of the Court, save in so far as it includes such particulars not being my books of account as are exempted by law from attachment and sale in execution of a decree.

Verification clause as in plaints.

Signature.

Dated

19 .

[PRINTED.]

FORM No. 96.

*Notice to creditors of the date of hearing of an insolvency petition.**Section 12, Act III of 1907.*

[Paragraph 262, Oudh Civil Digest.]

(Title.)

Whereas A. B. has applied to this Court, by a petition, dated of 19 , to be declared an Insolvent under the Provincial Insolvency Act, III of 1907, and your name appears in the list of creditors filed by the aforesaid debtor, this is to give you notice that the Court has fixed the day of 19 for the hearing of the aforesaid petition and the examination of the debtor. If you desire to be represented in the matter, you should attend in person or by duly instructed pleader. The particulars of the debt alleged in the petition to be due to you are as follows :—

Dated 19 .

Judge.

[PRINTED]

FORM No. 97.

Order of Adjudication. Section 16, Act III of 1907.

[Paragraph 262, Oudh Civil Digest]

(Title.)

Pursuant to a petition, dated 19 , against (here insert name, description, and address of debtor) and on the application of (here insert "the Official Receiver," or "the debtor himself," or "A. B. of a creditor") and on reading and hearing it is ordered that the debtor be, and the said debtor is, hereby adjudged insolvent.

Dated 19 .

Judge.

[PRINTED.]

FORM No. 98.

Order appointing a Receiver. Section 18, Act III of 1907.

[Paragraph 262, Oudh Civil Digest.]

(Title.)

Whereas A. B. was adjudicated an insolvent by order of this Court, dated 19 , and it appears to the Court that the appointment of a Receiver for the property of the insolvent is necessary :

It is ordered that a receiving order be made against the insolvent, and a receiving order is hereby made against the insolvent, and A. B. of (or the Official Receiver) is hereby constituted receiver of the property of the said insolvent. And it is further ordered that the said Receiver (not being the Official Receiver) do give security to the extent of and that his remuneration be fixed at

Dated 19

Judge.

[PRINTED]

FORM No. 99.

Proof of debt. General Form. Section 25, Act III of 1907.
 [Paragraph 262, Oudh Civil Digest.]

(Title.)

In the matter of No. (a) of 19 ,
 (a) Here insert number given in the notice
 I, , of (b) , make oath and say (or solemnly and
 (s) Address in full. sincerely affirm and declare)—

That the said ^{was} ~~were~~ at the date of the petition, viz., the day
 (c) State consideration, of 19, and ^{is} ~~are~~ still justly and truly indebted
 and specify the to me in the sum of Rs. a4. p. for (c) as shown
 vouchers (if any) by the account endorsed hereon (or the following
 in support of the account), viz., for which sum or any part thereof I
 claim. say that I have not nor hath or any person by
 (d) Here details of securities, bills or the like, order to my knowledge or belief for use had or received any manner
 of satisfaction or security whatsoever save and except the following (d).
 Admitted to vote for Rs. } Sworn at
 Judge or Official Receiver. } this day of 19 { Deponent's
 before me signature,
 Commissioner.

[PRINTED]

FORM No. 100.

Proof of debt of workmen. Section 25, Act III of 1907.
 [Paragraph 262, Oudh Civil Digest.]

(Title)

I, (a) , of (b) , make oath and say (or solemnly and sincerely
 affirm and declare)—
 (a) Fill in full name, That (c) at the date of the adjudication,
 address and occupa- viz., the day of 19 and still justly
 tion of deponent
 (b) The above-named and truly indebted to the several persons whose
 debtor or the fore- names, addresses and descriptions appear in the
 man of the above- schedule endorsed hereon in sums severally set
 named debtor or on against their names in the sixth column of such
 behalf of the work- schedule for wages due to them respectively as
 men and others em- rendered by them respectively to (c) during
 ployed by the above- such periods before the date of the receiving
 named debtor order as are set out against their respective
 (c) "I" or "the said"
 (d) "My employ" or
 "the employ of the
 above-named debt-
 or"
 (e) "Me" or "the above-
 named debtor."

FORM No. 103.

Notice to persons claiming to be creditors of intention to declare final dividend. Section 39 (4), Act III of 1907.

[Paragraph 262, Oudh Civil Digest.]

(Title.)

Take notice that a final dividend is intended to be declared in the above matter, and that if you do not establish your claim to the satisfaction of the Court on or before the day of 19 , or such later day as the Court may fix, your claim will be expunged, and I shall proceed to make a final dividend without regard to such claim.

Dated 19 .

(Sd.) G. H.,
Receiver.

To X. Y.

Address

[PRINTED.]

FORM No. 104.

Order annulling adjudication. Section 42, Act III of 1907.

[Paragraph 262, Oudh Civil Digest.]

(Title.)

On the application of R. S., of , and on reading and hearing , it is ordered that the order of adjudication, dated , against A. B., of , be and the same is hereby annulled.

Dated 19 .

Judge.

[PRINTED.]

FORM No. 105.

Notice to creditors of application for discharge. Section 44 (1), Act III of 1907.

[Paragraph 262, Oudh Civil Digest.]

(Title.)

Take notice that the above-named insolvent has applied at the Court for his discharge, and that the Court has fixed the day of 19 , at o'clock, for hearing the application.

Dated 19 .

Judge.

* Note.—On the back of this notice the provisions of Section 44 (8), Act III of 1907, should be printed.

[PRINTED.]

PART IV.—*List of Code forms which are not obtainable from the Government Press, but may be printed locally—(continued).*

Reference to the appendices of the Code.	Description of form.
L-9	Warrant for seizure of specific moveable property adjudged by decree (O. XXI, r. 31)
E-10	Notice to state objections to draft of document (O. XXI, r. 34)
E-15	Order for the release of a person imprisoned in execution of a decree (sections 58, 59)
E-20	Order of attachment of Negotiable Instrument (O. XXI, r. 51)
E-22	Notice of attachment of a decree to the Court which passed it (O. XXI, r. 53).
E-23	Notice of attachment of a decree to the holder of the decree (O. XXI, r. 53)
E-31	Certificate by officer holding a sale of the deficiency of price on a re-sale of property by reason of the purchaser's default (O. XXI, r. 71)
E-35	Certificate to judgment-debtor authorizing him to mortgage, lease or sell property (O. XXI, r. 83)
E-37	Notice to show cause why sale should not be set aside (O. XXI, rr. 91, 92)
E-40	Summons to appear and answer charge of obstructing execution of decree (O. XXI, r. 97)
F-2	defendant arrested before
F-3	on surety's application for
F-4	II, r. 4)
F-5	the order to call for security III, r. 5).
F-8	- 1)
G-7	a party to the appeal but joined by the Court as a respondent (O. XLII, r. 20)
G-11	Notice of appeal in <i>forma pauperis</i> (O. XLIV, r. 1)
G-12	Notice to show cause why a certificate of appeal to the King in Council should not be granted (O. XLV, r. 3)
G-13	Notice to respondent of admission of appeal to the King in Council (O. XLV, r. 5).
G 14	Notice to show cause why a review should not be granted (O. XLVII, r. 1).

PART IV.—*List of Code forms which are not obtainable from the Government Press, but may be printed locally—(concluded).*

Reference to the appendices of the Code.	Description of form.
H-1	Agreement of parties as to issues to be tried (O. XIV, r. 6).
H-2	Notice of transfer of a suit to another court (O. XIV, r. 7).
H-6	Notice to parties of the day fixed for examination of a witness about to leave the jurisdiction (O. XVIII, r. 16).
H-8	Letter of request (O. XXVI, r. 5).
H-10	Commission to make a partition (O. XXVI, r. 13).
H-13	Notice to surety of his liability under a decree (section 145).
Schedule II.	
3	Order for appointment of new arbitrator.
4	Special case.
5	Award.

APPENDIX E.

STATEMENT OF CIVIL RETURNS WITH THEIR DUE DATES OF DESPATCH.

Serial number.	Name of statement.	Paragraph by which prescribed.	Due date.	To whom should be submitted.
<i>Annual statements.</i>				
1	Annual statement, Form 54 (Officers).	Paragraph 524	*15th February.	Registrar.
2	Annual statement, Form 55 (Description of suits).	Ditto	Do.	Do.
3	Annual statement, Form 56 (Valuation of suits).	Ditto	Do.	Do.
4	Annual statement, Form 57 (Trial of civil suits).	Ditto	Do.	Do.
5	Annual statement, Form 58 (Trial of miscellaneous cases).	Ditto	Do.	Do.
6	Annual statement, Form 59 (Business of Civil appellate Courts in Regular appeals).	Ditto	Do.	Do.
7	Annual statement, Form 60 (Ditto in miscellaneous appeals).	Ditto	Do.	Do.
8	Annual statement, Form 61 (Proceedings on applications for execution).	Ditto	Do.	Do.
9	Annual statement, Form 62 (Proceedings in Insolvency).	Ditto	Do.	Do.
10	Annual statement, Form 63 (Assessors).	Ditto	Do.	Do.
11	Annual statement, Form 64 (Trial of suits in Village Munsifs' Courts).	Ditto	Do.	Do.
12	Annual statement, Form 65 (Description of suits in Village Munsifs' Courts).	Ditto	Do.	Do.
13	Annual statement, Form 66 (Value of suits in Village Munsifs' Courts).	Ditto	Do.	Do.
14	Annual statement, Form 67 (Applications for revision against Village Munsifs).	Ditto	Do.	Do.

* In case of Small Cause Court Judges, 15th January (Paragraph 534, O.C.D.)

Statement of Civil returns with their due dates of despatch—(contd.).

Serial number.	Name of statement.	Paragraph by which prescribed.	Due date.	To whom should be submitted.
<i>Annual statements (contd.).</i>				
15	Annual statement, Form 68 (Process servers).	Paragraph 536 (b).	30th November.	Registrar. ;
16	Annual statement, Form 69 (Probates, &c.).	Paragraph 536 (a).	10th April	Do.
17	Annual statement, Form 70 (Escheated unclaimed property).	Ditto ...	10th January.	Do. ;
18	Civil administration report	Paragraph 528	*15th February.	Do. ;
19	Brief reasons of delay in disposal of appeals and miscellaneous cases.	Ditto 540	10th January.	Do.
20	Renewed certificates of pleadings.	Ditto 536 (a).	7th January.	Do.
21	Statement of lapsed deposits	Paragraph 617	30th April	Accountant-General. ,
22	Clearance Register ...	Do. 613	Do. ...	Do.
23	Return of permanent establishment.	Art. 55, Civil Account Code	15th May	Do.
24	Indent for printed forms ...	Paragraph 496	26th August.	Registrar.
25	Ditto stationery ...	Do. 688	1st March	Do. ;
26	List of officials over 55 years of age.	G. O. No. 2695/X—D. 1, dated 17th June 1901	20th September.	Accountant-General.
27	Copy of stock book of stores.	Paragraph 678	1st June ...	Registrar. ;
28	<i>Cancelled.</i>			
29	Annual Rent appeal statement.	...	20th October.	Secretary, Board of Revenue.

* In case of Small Cause Court Judges, 15th January (Paragraph 534, O.C.D.).

Statement of Civil returns with their due dates of despatch—(contd.).

Serial number.	Name of statement.	Paragraph by which prescribed.	Due date.	To whom should be submitted.
	<i>Annual statements—(concl'd.)</i>			
30	Budget estimates ... <i>Half-yearly statements.</i>	App. 31, p. 97, Vol. III, M. G. Os.	20th Sep- tember.*	Account- ant- General.
31	Half-yearly return, Form 70 (Sale commission fees).	Paragraph 537	15th Jan- uary; 15th July.	Registrar.
32	Cancelled. <i>Quarterly statements.</i>			
33	Quarterly statement, Form 71 (Probates, &c.).	Paragraph 539	As soon as possible after the end of quarter.	Do.
34	Quarterly statement, Form 72 (Weeding in record room).	Do. 538	10th of the month fol- lowing the quarter.	Registrar.
35	Quarterly statement, Form 73 (Explanations of delay in original suits).	Do. 540	Do. ...	Do.
36	Quarterly statement, Form 74 (Explanations of delay in execution cases).	Do. 540	Do. ...	Do.
37	Reasons of delay in delivery of judgments.	Do. 541	Do. ...	Do.

* In case of Small Cause Court Judges, 5th September.

Statement of Civil returns with their due dates of despatch—(contd.).

Serial number.	Name of statement.	Paragraph by which prescribed.	Due date.	To whom should be submitted.
<i>Monthly statements.</i>				
38	Monthly statement, Form 75 (District Judge's work).	Paragraph 542	10th of the month following.	Registrar.
39	Monthly statement, Form 76 (Subordinate Judge's work).	Ditto ...	Do. ..	Do.
40	Monthly statement, Form 77 (Munsif's work).	Ditto ..	Do. ..	Do.
41	Monthly statement, Form 78 (Judge of Small Cause Court's work).	Ditto ...	Do. ..	Do.
42	Extracts of monthly Deposits and Repayments and Fiao Statement.	Paragraph 607	15th of the month following	Accountant-General.
43	Plus and Minus memorandum.	Ditto ...	Do.	Do.
44	Lists to Deputy Commissioners of transfer of lands.	Paragraph 543	10th of the month following.	Deputy Commissioner of the district.
45	Copy of register of daily sittings.	Paragraph 81	1st of the month following.	Registrar.

APPENDIX F.

LIST OF OFFICERS TO WHOM NOTICES OF ORDERS ATTACHING THE
SALARY OR ALLOWANCES OF PERSONS EMPLOYED IN THE UNITED
PROVINCES SHOULD BE SENT BY CIVIL COURTS
[See Paragraph 205 A and O XXI, r 48 (1)]

Department or office in which judgment debt or is employed.	Officers to whom notice should be sent
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Part I—Gazetted officers.

High Court, Allahabad Public Works and Irrigation de- partments and the Public Works Accounts officers Officers Revenue, Excise, Forest, Registration, Judicial and Cri- minal, Jail, Police, Education, Agricultural, Medical, Civil Accounts, Currency, United Provinces Secretariat officers and all other civil officers	Accountant General, United Prov- inces
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List of Officers to whom notices of orders attaching the salary or allowances of persons employed in the United Provinces should be sent by Civil Courts—(continued)

Department or office in which judgment-debtor is employed	Officers to whom notice should be sent
Offices of Conservators of Forests, Eastern and Western circles Offices of Divisional Forest Officers Offices of District Forest Officers	Conservator of Forests of the circle concerned Divisional Forest Officer concerned. Officer in charge of district forest concerned
Tarai and Bhabar estates, Forest division Office of Commissioner of Excise Offices of Assistant Commissioners of Excise Excise Inspectors Office of Opium Agent, Ghazipur	Special Forest Officer, Tarai and Bhabar estates forests Commissioner of Excise Assistant Commissioner of Excise concerned Commissioner of Excise Opium Agent, Ghazipur
Judicial Commissioner's Court, Oudh. Civil Courts establishments of judgeships Offices of Small Cause Court Judges	} Accountant General Registrar, High Court Registrar, Judicial Commissioner's Court District and Sessions Judge concerned Judge, Small Cause Court concerned
Office of Inspector General of Prisons Offices of Superintendents, central and district jails	Inspector General of Prisons Superintendent, central and district jail, concerned
Office of Inspector General of Registration Offices of District Registrars Office of Registrar, Joint Stock Companies Office of Registrar of Co operative Credit Societies	Inspector General of Registration. District Registrar concerned. Registrar, Joint Stock Companies Registrar of Co operative Credit Societies
Office of Inspector General of Police Offices of Superintendents of Police and District Police force	Inspector General of Police. Superintendent of Police concerned
Offices of Superintendents of the Railway Police, Southern, Central and Northern sections	Superintendent of the Railway Police section concerned.

APPENDIX F]

List of officers to whom notices of orders attaching the salary or allowances of persons employed in the United Provinces should be sent by Civil Courts—(continued)

Department or office in which judgment-debtor is employed	Officers to whom notice should be sent
Offices of Deputy Inspectors General of Police	Deputy Inspector-General of the range concerned
Office of Deputy Inspector General in charge, Railway Jurisdiction and Criminal Investigation department.	Assistant to Deputy Inspector-General
Office of Police Training School, Moradabad	Principal, Police Training School.
Sansiah Colony establishment, Kheri	Deputy Commissioner of Kheri
Office of Director of Public Instruction	Director of Public Instruction
Offices of Inspectors and Inspectresses of schools	Inspector and Inspectress of school concerned
Offices of Government High, Model and Normal Schools	Head Master of the school concerned
Thomason College, Roorkee	Principal, Thomason College, Roorkee
Office of Industrial School	Head Master, Industrial School
Offices of Training Colleges	Principal, Training College concerned
Office of Reformatory School at Chunar	Superintendent, Reformatory School
Offices of Churches and Cemetery establishments	Chaplain concerned
Office of Inspector General of Civil Hospitals	Inspector General of Civil Hospitals
Office of Chemical Examiner, United Provinces	Chemical Examiner, United Provinces
Offices of Superintendents, Lunatic Asylums	Superintendent, Lunatic Asylum, concerned
Office of Principal, Medical School, Agra	Principal, Medical School, Agra
Offices of Civil Surgeons	Civil Surgeon concerned
Office of Special Malaria Officer (Bareilly)	Special Malaria Officer
Office of Sanitary Commissioner, United Provinces	Sanitary Commissioner, United Provinces
Offices of Deputy Sanitary Commissioners	Deputy Sanitary Commissioner concerned.
Office of Secretary, Sanitary Board	Secretary, Sanitary Board
Offices of Superintending Engineers, Buildings and Roads and Irrigation branches	Superintending Engineer concerned.

APPENDIX F.]

List of officers to whom notices of orders attaching the salary or allowances of persons employed in the United Provinces should be sent by Civil Courts—(concluded).

Department or office in which judgment-debtor is employed.	Officers to whom notice should be sent.
Offices of Executive Engineers, Buildings and Roads and Irrigation branches.	Executive Engineer concerned.
Offices of District Engineers and District Surveyors, Buildings and Roads branch.	District Engineer and District Surveyor concerned.
Office of Sanitary Engineer to Government.	Sanitary Engineer.
Office of Electrical Inspector to Government.	Electrical Inspector to Government.
Office of Superintendent, Roorkee Workshops.	Superintendent.
Office of Superintendent, M. and B. Monuments, N. C.	Superintendent, M. and B. Monuments, N. C.
Tarai and Bhabar Government estates, Public Works division.	Executive Engineer, Tarai and Bhabar Government estates, Public Works division
Office of Secretary, Legislative Council, United Provinces.	Secretary, Legislative Council, United Provinces.
Office of the Legal Remembrancer to Government, United Provinces.	Legal Remembrancer to Government, United Provinces
Office of Government Advocate, United Provinces.	Government Advocate, United Provinces.
Office of Government Pleader, High Court.	} Government pleader concerned.
Office of Government Pleader and Public Prosecutor, Oudh	
Office of Nazul establishment (Lucknow).	Nazul Officer, Lucknow.
Persons employed by municipal and district boards	Secretary of the municipal and district board concerned
Office establishment of Superintendent, Government Press.	Superintendent, Government Press.

